

# As Reported by the Senate Education Committee

**129th General Assembly**

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**Am. Sub. H. B. No. 30**

**Representative Gardner**

**Cosponsors: Representatives Wachtmann, Stautberg, Sears, Derickson,  
Brenner, Maag, Adams, J., Carey, Beck, Blair, Burke, Combs, Hottinger,  
Snitchler, Kozlowski, Grossman, Bubp, Stebelton, Ruhl, Blessing, Huffman,  
Baker, Hackett, McClain, Amstutz, Roegner, Henne, Young, Anielski, Boose,  
Buchy, Coley, Dovilla, Duffey, Gonzales, Goodwin, Hall, Hayes, Martin,  
Mecklenborg, Newbold, Peterson, Rosenberger, Schuring, Slaby, Thompson,**

**Uecker Speaker Batchelder**

**Senator Hite**

**—**

## **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, 3306.30,	6
3306.31, 3306.33, 3306.34, 3306.35, 3306.40,	7
3313.821, 3313.822, 3315.17, 3315.171, and	8
3318.312 of the Revised Code; and to repeal	9
Section 265.70.70 of Am. Sub. H.B. 1 of the 128th	10
General Assembly and Section 9 of Sub. H.B. 318 of	11
the 128th General Assembly to eliminate spending	12
and reporting requirements related to the school	13
funding system, to eliminate the prohibition on	14
unit funding for gifted student services effective	15
after fiscal year 2011, to eliminate the	16

requirement that school districts offer all-day 17  
kindergarten, to eliminate the requirement that 18  
school districts annually set aside operating 19  
funds for textbooks and instructional materials, 20  
and to eliminate the requirement that school 21  
districts establish family and civic engagement 22  
teams except as required for implementation of 23  
federal "Race to the Top" grants. 24

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

**Section 1.** That sections 3301.07, 3301.16, 3302.05, 3302.07, 25  
3306.01, 3306.02, 3306.05, 3306.06, 3306.07, 3306.08, 3306.09, 26  
3306.091, 3306.10, 3315.18, 3315.19, 3316.06, 3316.16, 3317.018, 27  
3317.024, 3321.01, and 3321.05 be amended and section 3301.96 of 28  
the Revised Code be enacted to read as follows: 29

**Sec. 3301.07.** The state board of education shall exercise 30  
under the acts of the general assembly general supervision of the 31  
system of public education in the state. In addition to the powers 32  
otherwise imposed on the state board under the provisions of law, 33  
the board shall have the powers described in this section. 34

(A) The state board shall exercise policy forming, planning, 35  
and evaluative functions for the public schools of the state 36  
except as otherwise provided by law. 37

(B)(1) The state board shall exercise leadership in the 38  
improvement of public education in this state, and administer the 39  
educational policies of this state relating to public schools, and 40  
relating to instruction and instructional material, building and 41  
equipment, transportation of pupils, administrative 42  
responsibilities of school officials and personnel, and finance 43  
and organization of school districts, educational service centers, 44

and territory. Consultative and advisory services in such matters 45  
shall be provided by the board to school districts and educational 46  
service centers of this state. 47

(2) The state board also shall develop a standard of 48  
financial reporting which shall be used by each school district 49  
board of education and educational service center governing board 50  
to make its financial information and annual budgets for each 51  
school building under its control available to the public in a 52  
format understandable by the average citizen. The format shall 53  
show, among other things, at the district and educational service 54  
center level or at the school building level, as determined 55  
appropriate by the department of education, revenue by source; 56  
expenditures for salaries, wages, and benefits of employees, 57  
showing such amounts separately for classroom teachers, other 58  
employees required to hold licenses issued pursuant to sections 59  
3319.22 to 3319.31 of the Revised Code, and all other employees; 60  
expenditures other than for personnel, by category, including 61  
utilities, textbooks and other educational materials, equipment, 62  
permanent improvements, pupil transportation, extracurricular 63  
athletics, and other extracurricular activities; and per pupil 64  
expenditures. 65

(C) The state board shall administer and supervise the 66  
allocation and distribution of all state and federal funds for 67  
public school education under the provisions of law, and may 68  
prescribe such systems of accounting as are necessary and proper 69  
to this function. It may require county auditors and treasurers, 70  
boards of education, educational service center governing boards, 71  
treasurers of such boards, teachers, and other school officers and 72  
employees, or other public officers or employees, to file with it 73  
such reports as it may prescribe relating to such funds, or to the 74  
management and condition of such funds. 75

(D)(1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 76

XLVII, and LI of the Revised Code a reference is made to standards 77  
prescribed under this section or division (D) of this section, 78  
that reference shall be construed to refer to the standards 79  
prescribed under division (D)(2) of this section, unless the 80  
context specifically indicates a different meaning or intent. 81

(2) The state board shall formulate and prescribe minimum 82  
standards to be applied to all elementary and secondary schools in 83  
this state for the purpose of requiring a general education of 84  
high quality. Such standards shall provide adequately for: the 85  
licensing of teachers, administrators, and other professional 86  
personnel and their assignment according to training and 87  
qualifications; efficient and effective instructional materials 88  
and equipment, including library facilities; the proper 89  
organization, administration, and supervision of each school, 90  
including regulations for preparing all necessary records and 91  
reports and the preparation of a statement of policies and 92  
objectives for each school; buildings, grounds, health and 93  
sanitary facilities and services; admission of pupils, and such 94  
requirements for their promotion from grade to grade as will 95  
assure that they are capable and prepared for the level of study 96  
to which they are certified; requirements for graduation; and such 97  
other factors as the board finds necessary. 98

In the formulation and administration of such standards for 99  
nonpublic schools the board shall also consider the particular 100  
needs, methods and objectives of those schools, provided they do 101  
not conflict with the provision of a general education of a high 102  
quality and provided that regular procedures shall be followed for 103  
promotion from grade to grade of pupils who have met the 104  
educational requirements prescribed. 105

In the formulation and administration of such standards as 106  
they relate to instructional materials and equipment in public 107  
schools, including library materials, the board shall require that 108

the material and equipment be aligned with and promote skills 109  
expected under the statewide academic standards adopted under 110  
section 3301.079 of the Revised Code. 111

(3) In addition to the minimum standards required by division 112  
(D)(2) of this section, the state board shall formulate and 113  
prescribe the following additional minimum operating standards for 114  
school districts: 115

(a) Standards for the effective and efficient organization, 116  
administration, and supervision of each school district so that it 117  
becomes a thinking and learning organization according to 118  
principles of systems design and collaborative professional 119  
learning communities research as defined by the superintendent of 120  
public instruction, including a focus on the personalized and 121  
individualized needs of each student; a shared responsibility 122  
among school boards, administrators, faculty, and staff to develop 123  
a common vision, mission, and set of guiding principles; a shared 124  
responsibility among school boards, administrators, faculty, and 125  
staff to engage in a process of collective inquiry, action 126  
orientation, and experimentation to ensure the academic success of 127  
all students; commitment to teaching and learning strategies that 128  
utilize technological tools and emphasize inter-disciplinary, 129  
real-world, project-based, and technology-oriented learning 130  
experiences to meet the individual needs of every student; 131  
commitment to high expectations for every student and commitment 132  
to closing the achievement gap so that all students achieve core 133  
knowledge and skills in accordance with the statewide academic 134  
standards adopted under section 3301.079 of the Revised Code; 135  
commitment to the use of assessments to diagnose the needs of each 136  
student; effective connections and relationships with families and 137  
others that support student success; and commitment to the use of 138  
positive behavior intervention supports throughout a district to 139  
ensure a safe and secure learning environment for all students; 140

(b) Standards for the establishment of business advisory 141  
councils ~~and family and civic engagement teams by school districts~~ 142  
under ~~sections~~ section 3313.82, ~~3313.821, and 3313.822~~ of the 143  
Revised Code; 144

(c) ~~Standards incorporating the classifications for the~~ 145  
~~components of the adequacy amount under Chapter 3306. of the~~ 146  
~~Revised Code into core academic strategy components and academic~~ 147  
~~improvement components, as specified in rules adopted under~~ 148  
~~section 3306.25 of the Revised Code;~~ 149

~~(d)~~ Standards for school district organizational units, as 150  
defined in sections 3306.02 and 3306.04 of the Revised Code, that 151  
require: 152

(i) The effective and efficient organization, administration, 153  
and supervision of each school district organizational unit so 154  
that it becomes a thinking and learning organization according to 155  
principles of systems design and collaborative professional 156  
learning communities research as defined by the state 157  
superintendent, including a focus on the personalized and 158  
individualized needs of each student; a shared responsibility 159  
among organizational unit administrators, faculty, and staff to 160  
develop a common vision, mission, and set of guiding principles; a 161  
shared responsibility among organizational unit administrators, 162  
faculty, and staff to engage in a process of collective inquiry, 163  
action orientation, and experimentation to ensure the academic 164  
success of all students; commitment to job embedded professional 165  
development and professional mentoring and coaching; established 166  
periods of time for teachers to pursue planning time for the 167  
development of lesson plans, professional development, and shared 168  
learning; commitment to effective management strategies that allow 169  
administrators reasonable access to classrooms for observation and 170  
professional development experiences; commitment to teaching and 171  
learning strategies that utilize technological tools and emphasize 172

inter-disciplinary, real-world, project-based, and 173  
technology-oriented learning experiences to meet the individual 174  
needs of every student; commitment to high expectations for every 175  
student and commitment to closing the achievement gap so that all 176  
students achieve core knowledge and skills in accordance with the 177  
statewide academic standards adopted under section 3301.079 of the 178  
Revised Code; commitment to the use of assessments to diagnose the 179  
needs of each student; effective connections and relationships 180  
with families and others that support student success; commitment 181  
to the use of positive behavior intervention supports throughout 182  
the organizational unit to ensure a safe and secure learning 183  
environment for all students; 184

(ii) A school organizational unit leadership team to 185  
coordinate positive behavior intervention supports, ~~family and~~ 186  
~~civic engagement services~~, learning environments, thinking and 187  
learning systems, collaborative planning, planning time, student 188  
academic interventions, student extended learning opportunities, 189  
and other activities identified by the team and approved by the 190  
district board of education. The team shall include the building 191  
principal, representatives from each collective bargaining unit, 192  
the building lead teacher, parents, business representatives, and 193  
others that support student success. 194

(E) The state board may require as part of the health 195  
curriculum information developed under section 2108.34 of the 196  
Revised Code promoting the donation of anatomical gifts pursuant 197  
to Chapter 2108. of the Revised Code and may provide the 198  
information to high schools, educational service centers, and 199  
joint vocational school district boards of education; 200

(F) The state board shall prepare and submit annually to the 201  
governor and the general assembly a report on the status, needs, 202  
and major problems of the public schools of the state, with 203  
recommendations for necessary legislative action and a ten-year 204

projection of the state's public and nonpublic school enrollment, 205  
by year and by grade level. 206

(G) The state board shall prepare and submit to the director 207  
of budget and management the biennial budgetary requests of the 208  
state board of education, for its agencies and for the public 209  
schools of the state. 210

(H) The state board shall cooperate with federal, state, and 211  
local agencies concerned with the health and welfare of children 212  
and youth of the state. 213

(I) The state board shall require such reports from school 214  
districts and educational service centers, school officers, and 215  
employees as are necessary and desirable. The superintendents and 216  
treasurers of school districts and educational service centers 217  
shall certify as to the accuracy of all reports required by law or 218  
state board or state department of education rules to be submitted 219  
by the district or educational service center and which contain 220  
information necessary for calculation of state funding. Any 221  
superintendent who knowingly falsifies such report shall be 222  
subject to license revocation pursuant to section 3319.31 of the 223  
Revised Code. 224

(J) In accordance with Chapter 119. of the Revised Code, the 225  
state board shall adopt procedures, standards, and guidelines for 226  
the education of children with disabilities pursuant to Chapter 227  
3323. of the Revised Code, including procedures, standards, and 228  
guidelines governing programs and services operated by county 229  
boards of developmental disabilities pursuant to section 3323.09 230  
of the Revised Code. 231

(K) For the purpose of encouraging the development of special 232  
programs of education for academically gifted children, the state 233  
board shall employ competent persons to analyze and publish data, 234  
promote research, advise and counsel with boards of education, and 235



encourage the training of teachers in the special instruction of 236  
gifted children. The board may provide financial assistance out of 237  
any funds appropriated for this purpose to boards of education and 238  
educational service center governing boards for developing and 239  
conducting programs of education for academically gifted children. 240

(L) The state board shall require that all public schools 241  
emphasize and encourage, within existing units of study, the 242  
teaching of energy and resource conservation as recommended to 243  
each district board of education by leading business persons 244  
involved in energy production and conservation, beginning in the 245  
primary grades. 246

(M) The state board shall formulate and prescribe minimum 247  
standards requiring the use of phonics as a technique in the 248  
teaching of reading in grades kindergarten through three. In 249  
addition, the state board shall provide in-service training 250  
programs for teachers on the use of phonics as a technique in the 251  
teaching of reading in grades kindergarten through three. 252

(N) The state board may adopt rules necessary for carrying 253  
out any function imposed on it by law, and may provide rules as 254  
are necessary for its government and the government of its 255  
employees, and may delegate to the superintendent of public 256  
instruction the management and administration of any function 257  
imposed on it by law. It may provide for the appointment of board 258  
members to serve on temporary committees established by the board 259  
for such purposes as are necessary. Permanent or standing 260  
committees shall not be created. 261

~~Compliance~~ (O) Upon application from the board of education 262  
of a school district, the superintendent of public instruction may 263  
issue a waiver exempting the district from compliance with the 264  
standards adopted under divisions (B)(2) and (D) of this section, 265  
as they relate to the operation of a school operated by ~~a school~~ 266  
~~the district, may be waived by the state superintendent pursuant~~ 267

~~to section 3306.40 of the Revised Code. The state board shall~~ 268  
~~adopt standards for the approval or disapproval of waivers under~~ 269  
~~this division. The state superintendent shall consider every~~ 270  
~~application for a waiver, and shall determine whether to grant or~~ 271  
~~deny a waiver in accordance with the state board's standards. For~~ 272  
~~each waiver granted, the state superintendent shall specify the~~ 273  
~~period of time during which the waiver is in effect, which shall~~ 274  
~~not exceed five years. A district board may apply to renew a~~ 275  
~~waiver.~~ 276

**Sec. 3301.16.** Pursuant to standards prescribed by the state 277  
board of education as provided in division (D) of section 3301.07 278  
of the Revised Code, the state board shall classify and charter 279  
school districts and individual schools within each district 280  
except that no charter shall be granted to a nonpublic school 281  
unless the school complies with section 3313.612 of the Revised 282  
Code. 283

In the course of considering the charter of a new school 284  
district created under section 3311.26 or 3311.38 of the Revised 285  
Code, the state board shall require the party proposing creation 286  
of the district to submit to the board a map, certified by the 287  
county auditor of the county in which the proposed new district is 288  
located, showing the boundaries of the proposed new district. In 289  
the case of a proposed new district located in more than one 290  
county, the map shall be certified by the county auditor of each 291  
county in which the proposed district is located. 292

The state board shall revoke the charter of any school 293  
district or school which fails to meet the standards for 294  
elementary and high schools as prescribed by the board. The state 295  
board shall also revoke the charter of any nonpublic school that 296  
does not comply with section 3313.612 of the Revised Code. The 297  
state board may revoke the charter of any school district that 298

fails to meet the operating standards established under division 299  
(D)(3) of section 3301.07 of the Revised Code. 300

In the issuance and revocation of school district or school 301  
charters, the state board shall be governed by the provisions of 302  
Chapter 119. of the Revised Code. 303

No school district, or individual school operated by a school 304  
district, shall operate without a charter issued by the state 305  
board under this section. 306

In case a school district charter is revoked pursuant to this 307  
section, the state board may dissolve the school district and 308  
transfer its territory to one or more adjacent districts. An 309  
equitable division of the funds, property, and indebtedness of the 310  
school district shall be made by the state board among the 311  
receiving districts. The board of education of a receiving 312  
district shall accept such territory pursuant to the order of the 313  
state board. Prior to dissolving the school district, the state 314  
board shall notify the appropriate educational service center 315  
governing board and all adjacent school district boards of 316  
education of its intention to do so. Boards so notified may make 317  
recommendations to the state board regarding the proposed 318  
dissolution and subsequent transfer of territory. Except as 319  
provided in section 3301.161 of the Revised Code, the transfer 320  
ordered by the state board shall become effective on the date 321  
specified by the state board, but the date shall be at least 322  
thirty days following the date of issuance of the order. 323

A high school is one of higher grade than an elementary 324  
school, in which instruction and training are given in accordance 325  
with sections 3301.07 and 3313.60 of the Revised Code and which 326  
also offers other subjects of study more advanced than those 327  
taught in the elementary schools and such other subjects as may be 328  
approved by the state board of education. 329

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. 361

**Sec. 3302.07.** (A) The board of education of any school 362  
district, the governing board of any educational service center, 363  
or the administrative authority of any chartered nonpublic school 364  
may submit to the state board of education an application 365  
proposing an innovative education pilot program the implementation 366  
of which requires exemptions from specific statutory provisions or 367  
rules. If a district or service center board employs teachers 368  
under a collective bargaining agreement adopted pursuant to 369  
Chapter 4117. of the Revised Code, any application submitted under 370  
this division shall include the written consent of the teachers' 371  
employee representative designated under division (B) of section 372  
4117.04 of the Revised Code. The exemptions requested in the 373  
application shall be limited to any requirement of Title XXXIII of 374  
the Revised Code or of any rule of the state board adopted 375  
pursuant to that title except that the application may not propose 376  
an exemption from any requirement of or rule adopted pursuant to 377  
section 3306.09, Chapter 3307. or 3309., sections 3319.07 to 378  
3319.21, or Chapter 3323. of the Revised Code. Furthermore, an 379  
exemption from any ~~standard or requirement of Chapter 3306. or~~ 380  
~~from any~~ operating standard adopted under division (D)(3) of 381  
section 3301.07 of the Revised Code shall be granted only pursuant 382  
to a waiver granted by the superintendent of public instruction 383  
under division (O) of that ~~section 3306.40 of the Revised Code.~~ 384

(B) The state board of education shall accept any application 385  
submitted in accordance with division (A) of this section. The 386  
superintendent of public instruction shall approve or disapprove 387  
the application in accordance with standards for approval, which 388  
shall be adopted by the state board. 389

(C) The superintendent of public instruction shall exempt 390  
each district or service center board or chartered nonpublic 391

school administrative authority with an application approved under 392  
division (B) of this section for a specified period from the 393  
statutory provisions or rules specified in the approved 394  
application. The period of exemption shall not exceed the period 395  
during which the pilot program proposed in the application is 396  
being implemented and a reasonable period to allow for evaluation 397  
of the effectiveness of the program. 398

**Sec. 3306.01.** This chapter shall be administered by the state 399  
board of education. The superintendent of public instruction shall 400  
calculate the amounts payable to each school district and shall 401  
certify the amounts payable to each eligible district to the 402  
treasurer of the district as determined under this chapter. As 403  
soon as possible after such amounts are calculated, the 404  
superintendent shall certify to the treasurer of each school 405  
district the district's adjusted charge-off increase, as defined 406  
in section 5705.211 of the Revised Code. No moneys shall be 407  
distributed pursuant to this chapter without the approval of the 408  
controlling board. 409

The state board of education shall, in accordance with 410  
appropriations made by the general assembly, meet the financial 411  
obligations of this chapter. 412

Annually, the department of education shall calculate and 413  
report to each school district the district's adequacy amount 414  
utilizing the calculations in sections 3306.03 and 3306.13 of the 415  
Revised Code. The department shall calculate and report separately 416  
for each school district the district's total state and local 417  
funds for its students with disabilities, utilizing the 418  
calculations in sections 3306.05, 3306.11, and 3306.13 of the 419  
Revised Code. The department shall calculate and report separately 420  
for each school district the amount of funding calculated for each 421  
factor of the district's adequacy amount. 422

Not later than the thirty-first day of August of each fiscal 423  
year, the department of education shall provide to each school 424  
district a preliminary estimate of the amount of funding that the 425  
department calculates the district will receive under section 426  
3306.13 of the Revised Code. Not later than the first day of 427  
December of each fiscal year, the department shall update that 428  
preliminary estimate. 429

Moneys distributed pursuant to this chapter shall be 430  
calculated and paid on a fiscal year basis, beginning with the 431  
first day of July and extending through the thirtieth day of June. 432  
Unless otherwise provided, the moneys appropriated for each fiscal 433  
year shall be distributed at least monthly to each school 434  
district. The state board shall submit a yearly distribution plan 435  
to the controlling board at its first meeting in July. The state 436  
board shall submit any proposed midyear revision of the plan to 437  
the controlling board in January. Any year-end revision of the 438  
plan shall be submitted to the controlling board in June. If 439  
moneys appropriated for each fiscal year are distributed other 440  
than monthly, such distribution shall be on the same basis for 441  
each school district. 442

The total amounts paid each month shall constitute, as nearly 443  
as possible, one-twelfth of the total amount payable for the 444  
entire year. 445

Payments shall be calculated to reflect the reporting of 446  
formula ADM. Annualized periodic payments for each school district 447  
shall be based on the district's final student counts verified by 448  
the superintendent of public instruction based on reports under 449  
section 3317.03 of the Revised Code, as adjusted, if so ordered, 450  
under division (K) of that section. 451

(A) Except as otherwise provided, payments under this chapter 452  
shall be made only to those school districts that comply with 453  
divisions (A)(1) to (3) of this section. 454

(1) Each city, exempted village, and local school district 455  
shall levy for current operating expenses at least twenty mills. 456  
Levies for joint vocational or cooperative education school 457  
districts or county school financing districts, limited to or to 458  
the extent apportioned to current expenses, shall be included in 459  
this qualification requirement. School district income tax levies 460  
under Chapter 5748. of the Revised Code, limited to or to the 461  
extent apportioned to current operating expenses, shall be 462  
included in this qualification requirement to the extent 463  
determined by the tax commissioner under division (D) of section 464  
3317.021 of the Revised Code. 465

(2) Each city, exempted village, local, and joint vocational 466  
school district, during the school year next preceding the fiscal 467  
year for which payments are calculated under this chapter, shall 468  
meet the requirement of section 3313.48 or 3313.481 of the Revised 469  
Code, with regard to the minimum number of days or hours school 470  
must be open for instruction with pupils in attendance, for 471  
individualized parent-teacher conference and reporting periods, 472  
and for professional meetings of teachers. The superintendent of 473  
public instruction shall waive a number of days in accordance with 474  
section 3317.01 of the Revised Code on which it had been necessary 475  
for a school to be closed because of disease epidemic, hazardous 476  
weather conditions, inoperability of school buses or other 477  
equipment necessary to the school's operation, damage to a school 478  
building, or other temporary circumstances due to utility failure 479  
rendering the school building unfit for school use. 480

A school district shall not be considered to have failed to 481  
comply with this division or section 3313.481 of the Revised Code 482  
because schools were open for instruction but either twelfth grade 483  
students were excused from attendance for up to three days or only 484  
a portion of the kindergarten students were in attendance for up 485  
to three days in order to allow for the gradual orientation to 486



school of such students. 487

The superintendent of public instruction shall waive the 488  
requirements of this section with reference to the minimum number 489  
of days or hours a school must be open for instruction with pupils 490  
in attendance for the school year succeeding the school year in 491  
which a board of education initiates a plan of operation pursuant 492  
to section 3313.481 of the Revised Code. The minimum requirements 493  
of this section shall again be applicable to the district 494  
beginning with the school year commencing the second July 495  
succeeding the initiation of the plan, and for each school year 496  
thereafter. 497

A school district shall not be considered to have failed to 498  
comply with this division or section 3313.48 or 3313.481 of the 499  
Revised Code because schools were open for instruction but the 500  
length of the regularly scheduled learning day, for any number of 501  
days during the school year, was reduced by not more than two 502  
hours due to hazardous weather conditions. 503

(3) Each city, exempted village, local, and joint vocational 504  
school district shall have on file, and shall pay in accordance 505  
with, a teachers' salary schedule which complies with section 506  
3317.13 of the Revised Code. 507

(B) A school district board of education or educational 508  
service center governing board that has not conformed with other 509  
law, and the rules pursuant thereto, shall not participate in the 510  
distribution of funds authorized by this chapter, except for good 511  
and sufficient reason established to the satisfaction of the state 512  
board of education and the state controlling board. 513

(C) All funds allocated to school districts under this 514  
chapter, except those specifically allocated for other purposes, 515  
shall be used only to pay current operating expenses or for either 516  
of the following purposes: 517

(1) The modification or purchase of classroom space to 518  
provide all-day kindergarten ~~as required by section 3321.05 of the~~ 519  
~~Revised Code~~, provided the district certifies its shortage of 520  
space for providing all-day kindergarten to the department of 521  
education, in a manner specified by the department; 522

(2) The modification or purchase of classroom space to reduce 523  
class sizes in grades kindergarten through three to attain the 524  
goal of fifteen students per core teacher, provided the district 525  
certifies its need for additional classroom space to the 526  
department, in a manner specified by the department. 527

(D) On or before the last day of each month, the department 528  
of education shall certify to the director of budget and 529  
management for payment, for each county: 530

(1)(a) That portion of the allocation of money under section 531  
3306.13 of the Revised Code that is required to be paid in that 532  
month to each school district located wholly within the county 533  
subsequent to the deductions described in division (D)(1)(b) of 534  
this section; 535

(b) The amounts deducted from such allocation under sections 536  
3307.31 and 3309.51 of the Revised Code for payment directly to 537  
the school employees and state teachers retirement systems under 538  
such sections. 539

(2) If the district is located in more than one county, an 540  
apportionment of the amounts that would otherwise be certified 541  
under division (D)(1) of this section. The amounts apportioned to 542  
the county shall equal the amounts certified under division (D)(1) 543  
of this section times the percentage of the district's resident 544  
pupils who reside both in the district and in the county, based on 545  
the average daily membership reported under division (A) of 546  
section 3317.03 of the Revised Code in October of the prior fiscal 547  
year. 548

Sec. 3306.02. As used in this chapter: 549

(A) "Adequacy amount" means the amount described in section 550  
3306.03 of the Revised Code. 551

(B) "Building manager" means a person who supervises the 552  
administrative (non-curricular, non-instructional) functions of 553  
school operation so that a school principal can focus on 554  
supporting instruction, providing instructional leadership, and 555  
engaging teachers as part of the instructional leadership team. A 556  
building manager may be, but is not required to be, a licensed 557  
educator under section 3319.22 of the Revised Code. 558

(C) "Career-technical education teacher" means an education 559  
professional who holds a valid license to provide specialized 560  
instruction in career and technical courses. 561

(D)(1) "Category one special education ADM" means a school 562  
district's formula ADM of children whose primary or only 563  
identified disability is a speech and language disability, as this 564  
term is defined pursuant to Chapter 3323. of the Revised Code. 565  
Beginning in fiscal year 2010, for any school district for which 566  
formula ADM means the number verified in the previous fiscal year, 567  
the category one special education ADM also shall be as verified 568  
from the previous year. 569

(2) "Category two special education ADM" means a school 570  
district's formula ADM of children identified as specific learning 571  
disabled or developmentally disabled, as these terms are defined 572  
pursuant to Chapter 3323. of the Revised Code, or as having an 573  
other health impairment-minor, as defined in this section. 574  
Beginning in fiscal year 2010, for any school district for which 575  
formula ADM means the number verified in the previous fiscal year, 576  
the category two special education ADM also shall be as verified 577  
from the previous year. 578

(3) "Category three special education ADM" means a school 579  
district's formula ADM of children identified as hearing disabled 580  
or severe behavior disabled, as these terms are defined pursuant 581  
to Chapter 3323. of the Revised Code. Beginning in fiscal year 582  
2010, for any school district for which formula ADM means the 583  
number verified in the previous fiscal year, the category three 584  
special education ADM also shall be as verified from the previous 585  
year. 586

(4) "Category four special education ADM" means a school 587  
district's formula ADM of children identified as vision impaired, 588  
as this term is defined pursuant to Chapter 3323. of the Revised 589  
Code, or as having an other health impairment-major, as defined in 590  
this section. Beginning in fiscal year 2010, for any school 591  
district for which formula ADM means the number verified in the 592  
previous fiscal year, the category four special education ADM also 593  
shall be as verified from the previous year. 594

(5) "Category five special education ADM" means a school 595  
district's formula ADM of children identified as orthopedically 596  
disabled or as having multiple disabilities, as these terms are 597  
defined pursuant to Chapter 3323. of the Revised Code. Beginning 598  
in fiscal year 2010, for any school district for which formula ADM 599  
means the number verified in the previous fiscal year, the 600  
category five special education ADM also shall be as verified from 601  
the previous year. 602

(6) "Category six special education ADM" means a school 603  
district's formula ADM of children identified as autistic, having 604  
traumatic brain injuries, or as both visually and hearing 605  
impaired, as these terms are defined pursuant to Chapter 3323. of 606  
the Revised Code. Beginning in fiscal year 2010, for any school 607  
district for which formula ADM means the number verified in the 608  
previous fiscal year, the category six special education ADM also 609  
shall be as verified from the previous year. 610

(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 673  
coordinating professional development activities, in the 674  
development of professional learning communities, and in common 675  
planning time, and assists teachers in developing project-based, 676  
real-world learning activities for their students. The lead 677  
teacher position shall be a rotating position in which an 678  
individual shall serve no more than three years. After lead 679  
teacher licenses become available under section 3319.22 of the 680  
Revised Code, only teachers who hold that license shall be 681  
appointed as lead teachers. Until that time, each school district 682  
shall designate qualifications for the lead teacher position that 683  
are comparable to the licensing requirements, and shall give 684  
preference for appointment to the position to teachers who are 685  
certified by the national board for professional teaching 686  
standards or who meet the qualifications for a "master teacher" 687  
established by the educator standards board. 688

(M) "Limited English proficiency teacher" means a person who 689  
provides instruction in English as a second language. 690

(N) "Medically fragile child" means a child to whom all of 691  
the following apply: 692

(1) The child requires the services of a doctor of medicine 693  
or osteopathic medicine at least once a week due to the 694  
instability of the child's medical condition. 695

(2) The child requires the services of a registered nurse on 696  
a daily basis. 697

(3) The child is at risk of institutionalization in a 698  
hospital, skilled nursing facility, or intermediate care facility 699  
for the mentally retarded. 700

(O) "Ohio educational challenge factor" means an index to 701  
adjust the funding amount for each school district to account for 702  
student and community socioeconomic factors affecting teacher 703

recruitment and retention, professional development, and other 704  
factors related to quality instruction. The Ohio educational 705  
challenge factor for each school district includes the district's 706  
college attainment rate of population, wealth per pupil, and 707  
concentration of poverty, and is listed in section 3306.051 of the 708  
Revised Code. 709

(P) "Organizational unit" means, for the purpose of 710  
calculating a school district's adequacy amount under this 711  
chapter, a unit used to index a school district's formula ADM in 712  
certain grade levels. Calculating the number of organizational 713  
units in a school district functions to allocate the state's 714  
resources in a manner that achieves a thorough, efficient, and 715  
adequate educational system that provides the appropriate services 716  
to students enrolled in that district. In recognition of the fact 717  
that students have different educational needs at each 718  
developmental stage, organizational units group the grade levels 719  
into elementary school units, middle school units, and high school 720  
units. Except as provided in division (C) of section 3306.04 of 721  
the Revised Code, a school district's "organizational units" is 722  
the sum of its elementary school units, middle school units, and 723  
high school units. 724

(Q) A child may be identified as having an "other health 725  
impairment-major" if the child's condition meets the definition of 726  
"other health impaired" established in rules adopted by the state 727  
board of education prior to July 1, 2001, and if either of the 728  
following ~~apply~~ applies: 729

(1) The child is identified as having a medical condition 730  
that is among those listed by the superintendent of public 731  
instruction as conditions where a substantial majority of cases 732  
fall within the definition of "medically fragile child." 733

(2) The child is determined by the superintendent of public 734  
instruction to be a medically fragile child. A school district may 735



petition the superintendent of public instruction for a 736  
determination that a child is a medically fragile child. 737

(R) A child may be identified as having an "other health 738  
impairment-minor" if the child's condition meets the definition of 739  
"other health impaired" established in rules adopted by the state 740  
board of education prior to July 1, 2001, but the child's 741  
condition does not meet either of the conditions specified in 742  
division (Q)(1) or (2) of this section. 743

(S) "Potential value" of a school district means: 744

(1) For a district with a class one effective operating rate 745  
that is less than twenty and one-tenth effective mills, the sum of 746  
its total taxable value plus its tax exempt value; 747

(2) For a district with a class one effective operating rate 748  
that is greater than or equal to twenty and one-tenth effective 749  
mills, the sum of its recognized valuation plus its tax exempt 750  
value. 751

(T) "Principal" means a person who provides management 752  
oversight of building operations, academic leadership for the 753  
teaching professionals, and other administrative duties. 754

(U) "Property exemption value" means the amount certified for 755  
a school district under divisions (A)(6) and (7) of section 756  
3317.021 of the Revised Code. 757

(V) "Recognized valuation" means the amount calculated for a 758  
school district pursuant to section 3317.015 of the Revised Code. 759

(W) "School nurse wellness coordinator" means a person who 760  
has fulfilled the requirements for the issuance of a school nurse 761  
wellness coordinator license under section 3319.221 of the Revised 762  
Code. 763

(X) "Small school district" means a city, local, or exempted 764  
village school district that has a formula ADM of less than four 765

hundred eighteen students in grades kindergarten through twelve. 766

(Y) "Special education" has the same meaning as in section 767  
3323.01 of the Revised Code. 768

(Z) "Special education teacher" means a teacher who holds the 769  
necessary license issued pursuant to section 3319.22 of the 770  
Revised Code to meet the unique needs of children with 771  
disabilities. 772

(AA) "Special education teacher's aide" means a person 773  
providing support for special education teachers and other 774  
associated duties. 775

(BB) "Specialist teacher" means a person holding a valid 776  
educator's license, issued pursuant to section 3319.22 of the 777  
Revised Code, who provides instruction in dance, drama and 778  
theater, music, visual art, or physical education. 779

(CC) "State share percentage" means the quotient of a school 780  
district's state share of the adequacy amount determined under 781  
section 3306.13 of the Revised Code divided by the total adequacy 782  
amount for the district as described in section 3306.03 of the 783  
Revised Code. If the quotient is a negative number, the district's 784  
state share percentage is zero. 785

(DD) "Family and community liaisons" means individuals who 786  
provide assistance to students and their families, ~~individuals who~~ 787  
~~are linkage coordinators as described in section 3306.31 of the~~ 788  
~~Revised Code,~~ and may include individuals who hold valid licenses 789  
as family liaisons, social workers, and student advocates. 790

(EE) "Supplemental teacher" means a person holding a valid 791  
educator license issued pursuant to section 3319.22 of the Revised 792  
Code, or qualified to secure such a license and approved by the 793  
school district to provide remedial services, intensive 794  
subject-based instruction, homework help, or other forms of 795  
supplemental instruction. 796

(FF) "Targeted poverty indicator" means the percentage of a 797  
school district's students who are economically disadvantaged, as 798  
determined for purposes of the report card issued under section 799  
3302.03 of the Revised Code. 800

(GG) "Tax exempt value" of a school district means the amount 801  
certified for a school district under division (A)(4) of section 802  
3317.021 of the Revised Code. 803

(HH) "Total taxable value" means the sum of the amounts 804  
certified for a school district under divisions (A)(1) and (2) of 805  
section 3317.021 of the Revised Code. 806

**Sec. 3306.05.** (A) The instructional services support 807  
component of the adequacy amount for each city, local, and 808  
exempted village school district is the sum of the following: 809

(1) The core teacher factor; 810

(2) The specialist teacher factor; 811

(3) The lead teacher factor; 812

(4) The special education teacher factor; 813

(5) The special education teacher's aide factor; 814

(6) The limited English proficiency teacher factor; 815

(7) The supplemental teacher factor. 816

(B) Each factor listed in division (A) of this section shall 817  
be calculated by multiplying the Ohio educational challenge 818  
factor, specified for the district in section 3306.051 of the 819  
Revised Code, times the statewide base teacher salary of \$56,902 820  
in fiscal year 2010 and \$57,812 in fiscal year 2011, times the 821  
number of positions funded, as follows: 822

(1) The number of core teacher positions funded shall be 823  
calculated by dividing the district's formula ADM in grades four 824  
to twelve by twenty-five, and then adding that number to the 825

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 856  
of the adequacy amount for each city, local, and exempted village 857  
school district is the sum of the following: 858

(1) The family and community liaison factor; 859

(2) The counselor factor; 860

(3) The summer remediation factor; 861

(4) The school nurse wellness coordinator factor; 862

(5) The district health professional factor. 863

(B)(1) The family and community liaison factor shall be 864  
calculated by multiplying the school district's formula ADM times 865  
its targeted poverty indicator and dividing the product by 866  
seventy-five, and then multiplying the quotient by the product of 867  
the applicable Ohio educational challenge factor times \$38,633, in 868  
fiscal year 2010, and times \$39,381, in fiscal year 2011. 869

(2) The counselor factor shall be calculated by dividing the 870  
district's formula ADM for grades six to twelve by two hundred 871  
fifty, and then multiplying the quotient by a dollar amount for 872  
each fiscal year established by law. No counselor factor shall be 873  
calculated and paid for fiscal years 2010 and 2011. 874

(3) The summer remediation program factor shall be calculated 875  
by multiplying the district's formula ADM times its targeted 876  
poverty indicator times fifty per cent, which represents the 877  
anticipated participation rate, dividing that product by thirty, 878  
which is the assumed student-to-teacher ratio for summer 879  
remediation, and multiplying that quotient by the product of 880  
\$3,000 times the applicable Ohio educational challenge factor. 881

(4) The school nurse wellness coordinator factor shall be 882  
calculated by multiplying the number of the district's 883  
organizational units times a dollar amount for each fiscal year 884  
established by law, except that in a small school district, the 885

school nurse wellness coordinator factor shall be zero. No school 886  
nurse wellness coordinator factor shall be calculated and paid for 887  
fiscal years 2010 and 2011. 888

(5) The district health professional factor for each district 889  
equals a dollar amount specified by law for each fiscal year. No 890  
district health professional factor shall be calculated and paid 891  
for fiscal years 2010 and 2011. 892

~~(C) In adopting expenditure and reporting standards under 893  
section 3306.25 of the Revised Code, the superintendent of public 894  
instruction shall include standards that encourage school 895  
districts to give preference to employing or obtaining the 896  
services of licensed school nurses with funds received for the 897  
school nurse wellness coordinator factor and the district health 898  
professional factor. 899~~

~~(D) Each school district shall account separately for 900  
expenditures of the amounts received for additional services 901  
support under this section and report that information to the 902  
department of education. 903~~

**Sec. 3306.07.** (A) The administrative services support 904  
component of the adequacy amount for each city, local, and 905  
exempted village school district is the sum of the following: 906

(1) The district administration factor; 907

(2) The principal factor; 908

(3) The administrative support personnel factor; 909

(B)(1) The district administration factor equals \$187,176 in 910  
fiscal year 2010 and \$190,801 in fiscal year 2011. 911

(2) The principal factor shall be calculated by multiplying 912  
the number of the district's organizational units times \$89,563 in 913  
fiscal year 2010 and \$91,297 in fiscal year 2011. However, each 914  
type 1 or type 2 school district shall receive for a principal 915

factor an amount not less than the applicable dollar amount 916  
specified in this paragraph times the number of school buildings 917  
in the district for which the department of education issued a 918  
report card under section 3302.03 of the Revised Code for the 919  
prior school year. As used in this division, "type 1 school 920  
district" means a school district characterized as a type 1 921  
(rural/agricultural, high poverty, low median income) district, 922  
and "type 2 school district" means a school district characterized 923  
as a type 2 (rural/agricultural, small student population, low 924  
poverty, low to moderate median income), in the typology of 925  
districts published by the department in July 2007. 926

(3) The administrative support personnel factor is funding 927  
determined for building managers, secretaries, and 928  
noninstructional aides. 929

(a) The funding for building managers shall be calculated by 930  
multiplying \$33,624 in fiscal year 2010 and \$34,275 in fiscal year 931  
2011 times the number of the district's organizational units. 932

(b) The funding for secretaries shall be calculated by 933  
multiplying \$33,624 in fiscal year 2010 and \$34,275 in fiscal year 934  
2011 times the number of the district's organizational units, 935  
where two additional secretaries shall be funded for each high 936  
school organizational unit. 937

(c) The funding for noninstructional aides shall be a dollar 938  
amount set by law for each fiscal year times the number of the 939  
district's organizational units, where the organizational units 940  
are multiplied by two in the case of elementary school and middle 941  
school organizational units and by three in case of high school 942  
organizational units. 943

However, each small school district shall receive funding for 944  
one building manager, one secretary, and one noninstructional 945  
aide. Every other city, local, and exempted village school 946

district shall receive funding for at least one building manager, 947  
one secretary, and one noninstructional aide. 948

No funding shall be calculated and paid for noninstructional 949  
aides for fiscal years 2010 and 2011. 950

~~(C) Each school district shall account separately for the 951  
amounts received for administrative services support under this 952  
section and report that information to the department of 953  
education. 954~~

**Sec. 3306.08.** (A) The operations and maintenance support 955  
component of the adequacy amount for each city, local, and 956  
exempted village school district shall be calculated by 957  
multiplying the district's formula ADM times \$884. 958

(B) The operations and maintenance support for each city, 959  
local, and exempted village school district shall be adjusted by 960  
multiplying the calculated amount by 0.45 in fiscal years 2010 and 961  
2011, and by 0.75 in fiscal years 2012 and 2013. 962

~~(C) Each school district shall account separately for 963  
expenditures of the amounts received for operations and 964  
maintenance support under this section and report that information 965  
to the department of education. 966~~

**Sec. 3306.09.** (A) The gifted education support component of 967  
the adequacy amount for each city, local, and exempted village 968  
school district is the sum of the following: 969

(1) The gifted identification factor; 970

(2) The gifted coordinator factor; 971

(3) The gifted intervention specialist factor; 972

(4) The gifted intervention specialist professional 973  
development factor. 974



(B)(1) The gifted identification factor shall be calculated 975  
by multiplying the district's formula ADM times \$5. 976

(2) The gifted coordinator factor shall be calculated by 977  
multiplying \$66,375 in fiscal year 2010 and \$67,660 in fiscal year 978  
2011 times the quotient of the district's formula ADM divided by 979  
two thousand five hundred. 980

(3) The gifted intervention specialist factor shall be 981  
calculated by multiplying the number of the district's 982  
organizational units times the Ohio educational challenge factor 983  
specified for the district in section 3306.051 of the Revised Code 984  
times the statewide base teacher salary specified in section 985  
3306.05 of the Revised Code. 986

(4) The gifted intervention specialist professional 987  
development factor shall be calculated by multiplying the number 988  
of the district's organizational units times the 989  
per-teaching-position dollar amount specified for the professional 990  
development factor in division (A)(7) of section 3306.03 of the 991  
Revised Code. 992

(C) The gifted intervention specialist factor and the gifted 993  
intervention specialist professional development factor for each 994  
city, local, and exempted village school district, shall be 995  
adjusted by multiplying the calculated amount by 0.20 in fiscal 996  
year 2010, by 0.30 in fiscal year 2011, by 0.40 in fiscal years 997  
2012 and 2013, by 0.60 in fiscal years 2014 and 2015, and by 0.80 998  
in fiscal years 2016 and 2017. 999

(D) A school district that does not submit an annual report 1000  
under section 3324.05 of the Revised Code, or that reports zero 1001  
students identified as gifted, shall receive zero funding for the 1002  
gifted coordinator factor, the gifted intervention specialist 1003  
factor, and the gifted intervention specialist professional 1004  
development factor. 1005

(E) Each school district shall expend the funds calculated 1006  
under the gifted education support component in accordance with 1007  
rules adopted ~~under section 3306.25 of the Revised Code by the~~ 1008  
state board of education. Those rules shall require that such 1009  
funds be spent only for the employment of staff to serve students 1010  
identified as gifted, in accordance with Chapter 3324. of the 1011  
Revised Code, or for other services to such students. The rules 1012  
shall be aligned with the operating standards for identifying and 1013  
serving gifted students prescribed in rules adopted by the state 1014  
board of education. ~~Notwithstanding anything to the contrary in~~ 1015  
~~section 3306.25 of the Revised Code, the~~ The rules regarding the 1016  
expenditure and reporting of funds for the gifted education 1017  
support component adopted under ~~that~~ this section shall take 1018  
effect July 1, ~~2011~~ 2013. 1019

Subject to approval by the department of education, a school 1020  
district may use up to fifteen per cent of the portion of the 1021  
gifted intervention specialist factor attributable to the grade 1022  
six through twelve formula ADM to support access to services 1023  
provided by the district that are not services described in 1024  
Chapter 3324. of the Revised Code but are specified in gifted 1025  
students' written education plans prepared in accordance with the 1026  
state board's operating standards for identifying and serving 1027  
gifted students. 1028

(F) Each school district shall account separately for 1029  
expenditures of the amounts received for gifted identification, 1030  
gifted coordinators, gifted intervention specialists, and gifted 1031  
intervention specialist professional development under this 1032  
section and report that information to the department of 1033  
education. 1034

(G)(1) Each city, local, and exempted village school district 1035  
that received for fiscal year 2009 unit funding for staff to 1036  
provide gifted student services under division (L) of section 1037

3317.024 and division (E) of section 3317.05 of the Revised Code, 1038  
as those sections existed for that fiscal year, shall spend in 1039  
each fiscal year thereafter for staff to provide services to 1040  
identified gifted students from the funds received under this 1041  
chapter an amount not less than the aggregate amount received for 1042  
such gifted unit funding for fiscal year 2009. 1043

(2) Each city, local, and exempted village school district 1044  
that, in fiscal year 2009, received gifted student services from 1045  
staff employed for that purpose by an educational service center, 1046  
which service center received for fiscal year 2009 unit funding 1047  
for gifted student services, shall in each fiscal year thereafter 1048  
do either of the following: 1049

(a) Obtain staff to provide gifted student services from an 1050  
educational service center that are comparable to the gifted 1051  
student staff services provided to the district with gifted unit 1052  
funding in fiscal year 2009 by an educational service center; 1053

(b) Spend for staff to provide services to identified gifted 1054  
students from the funds received under this chapter an amount not 1055  
less than the amount of gifted unit funding expended by an 1056  
educational service center in fiscal year 2009 for the district's 1057  
students. 1058

~~(3) No district to which division (C)(1) or (2) of this~~ 1059  
~~section applies shall apply for or receive a waiver under section~~ 1060  
~~3306.40 of the Revised Code from the spending requirements~~ 1061  
~~prescribed in those divisions or under division (E) of this~~ 1062  
~~section.~~ 1063

~~(4)~~ Each educational service center that received for fiscal 1064  
year 2009 unit funding for staff to provide gifted student 1065  
services shall spend from its state funds in each fiscal year 1066  
thereafter for staff to provide services to identified gifted 1067  
students an amount not less than the aggregate amount received for 1068

gifted unit funding for fiscal year 2009. ~~No educational service~~ 1069  
~~center to which division (G)(4) of this section shall receive any~~ 1070  
~~waiver of this requirement.~~ 1071

(H) A city, local, or exempted village school district that 1072  
did not receive for fiscal year 2009 unit funding for gifted 1073  
student services under division (L) of section 3317.024 and 1074  
division (E) of section 3317.05 of the Revised Code, as those 1075  
sections existed for that fiscal year, may apply to the 1076  
superintendent of public instruction for a waiver ~~under section~~ 1077  
~~3306.40 of the Revised Code~~ from any expenditure requirements 1078  
prescribed under division (E) of this section. ~~Notwithstanding~~ 1079  
~~anything to the contrary in section 3306.40 of the Revised Code,~~ 1080  
~~the~~ The first waiver granted to a district pursuant to this 1081  
division shall not be effective for longer than two years, ~~and~~ 1082  
~~any.~~ A district may receive one subsequent renewal of that waiver, 1083  
which shall not be effective for longer than one year. 1084

(I) Each school district and educational center shall account 1085  
for the funds spent under division (G) of this section and report 1086  
that information to the department. The operating standards for 1087  
identifying and serving gifted students shall apply to the staff 1088  
funded under this section. The department shall monitor and 1089  
enforce compliance with the spending requirements in division (G) 1090  
of this section. 1091

**Sec. 3306.091.** (A) The enrichment support component of the 1092  
adequacy amount for each city, local, and exempted village school 1093  
district shall be calculated by multiplying the district's formula 1094  
ADM times \$100 times the Ohio educational challenge factor. 1095

(B) The enrichment support for each city, local, and exempted 1096  
village school district shall be adjusted by multiplying the 1097  
calculated amount by 0.20 in fiscal year 2010, by 0.30 in fiscal 1098  
year 2011, by 0.40 in fiscal years 2012 and 2013, by 0.60 in 1099

fiscal years 2014 and 2015, and by 0.80 in fiscal years 2016 and 2017. 1100  
1101

~~(C) The enrichment support component shall be used for~~ 1102  
~~purposes other than services for students identified as gifted~~ 1103  
~~delivered in accordance with Chapter 3324. of the Revised Code. A~~ 1104  
district may spend the enrichment support component to pay for 1105  
enrichment activities that may encourage the intellectual and 1106  
creative pursuits of all students, including the fine arts. 1107

~~(D) Each school district shall account separately for~~ 1108  
~~expenditures of the amounts received for enrichment support under~~ 1109  
~~this section and report that information to the department of~~ 1110  
~~education.~~ 1111

**Sec. 3306.10.** (A) The technology resources support component 1112  
of the adequacy amount for each city, local, and exempted village 1113  
school district is the sum of the following: 1114

(1) The licensed librarian and media specialist factor; 1115

(2) The technical equipment factor. 1116

(B)(1) The licensed librarian and media specialist factor 1117  
shall be calculated by multiplying the number of the district's 1118  
organizational units times \$60,000. 1119

(2) The technical equipment factor shall be calculated by 1120  
multiplying the district's formula ADM times \$250. 1121

(C) The licensed librarian and media specialist factor and 1122  
the technical equipment factor for each city, local, and exempted 1123  
village school district shall be adjusted by multiplying the 1124  
calculated amounts by 0.20 in fiscal year 2010, by 0.30 in fiscal 1125  
year 2011, by 0.40 in fiscal years 2012 and 2013, by 0.60 in 1126  
fiscal years 2014 and 2015, and by 0.80 in fiscal years 2016 and 1127  
2017. 1128

~~(D) Each school district shall account separately for the~~ 1129

~~amounts received for technology resources support under this~~ 1130  
~~section and report that information to the department of~~ 1131  
~~education.~~ 1132

**Sec. 3315.18.** (A) The board of education of each city, 1133  
exempted village, local, and joint vocational school district 1134  
shall establish a capital and maintenance fund. Each board 1135  
annually shall deposit into that fund an amount derived from 1136  
revenues received by the district that would otherwise have been 1137  
deposited in the general fund that is equal to three per cent of 1138  
the formula amount for the preceding fiscal year, as defined in 1139  
section 3317.02 of the Revised Code, or another percentage if 1140  
established by the auditor of state under division (B) of this 1141  
section, multiplied by the district's student population for the 1142  
preceding fiscal year, except that money received from a permanent 1143  
improvement levy authorized by section 5705.21 of the Revised Code 1144  
may replace general revenue moneys in meeting the requirements of 1145  
this section. Money in the fund shall be used solely for 1146  
acquisition, replacement, enhancement, maintenance, or repair of 1147  
permanent improvements, as that term is defined in section 5705.01 1148  
of the Revised Code. Any money in the fund that is not used in any 1149  
fiscal year shall carry forward to the next fiscal year. 1150

(B) The state superintendent of public instruction and the 1151  
auditor of state jointly shall adopt rules in accordance with 1152  
Chapter 119. of the Revised Code defining what constitutes 1153  
expenditures permitted by division (A) of this section. The 1154  
auditor of state may designate a percentage, other than three per 1155  
cent, of the formula amount multiplied by the district's student 1156  
population that must be deposited into the fund. 1157

(C) Within its capital and maintenance fund, a school 1158  
district board of education may establish a separate account 1159  
solely for the purpose of depositing funds transferred from the 1160

district's reserve balance account established under former 1161  
division (H) of section 5705.29 of the Revised Code. After April 1162  
10, 2001, a board may deposit all or part of the funds formerly 1163  
included in such reserve balance account in the separate account 1164  
established under this section. Funds deposited in this separate 1165  
account and interest on such funds shall be utilized solely for 1166  
the purpose of providing the district's portion of the basic 1167  
project costs of any project undertaken in accordance with Chapter 1168  
3318. of the Revised Code. 1169

(D)(1) Notwithstanding division (A) of this section, in any 1170  
year a district is in fiscal emergency status as declared pursuant 1171  
to section 3316.03 of the Revised Code, the district may deposit 1172  
an amount less than required by division (A) of this section, or 1173  
make no deposit, into the district capital and maintenance fund 1174  
for that year. 1175

(2) Notwithstanding division (A) of this section, in any 1176  
fiscal year that a school district is either in fiscal watch 1177  
status, as declared pursuant to section 3316.03 of the Revised 1178  
Code, or in fiscal caution status, as declared pursuant to section 1179  
3316.031 of the Revised Code, the district may apply to the 1180  
superintendent of public instruction for a waiver from the 1181  
requirements of division (A) of this section, under which the 1182  
district may be permitted to deposit an amount less than required 1183  
by that division or permitted to make no deposit into the district 1184  
capital and maintenance fund for that year. The superintendent may 1185  
grant a waiver under division (D)(2) of this section if the 1186  
district demonstrates to the satisfaction of the superintendent 1187  
that compliance with division (A) of this section that year will 1188  
create an undue financial hardship on the district. 1189

(3) Notwithstanding division (A) of this section, not more 1190  
often than one fiscal year in every three consecutive fiscal 1191  
years, any school district that does not satisfy the conditions 1192

for the exemption described in division (D)(1) of this section or 1193  
the conditions to apply for the waiver described in division 1194  
(D)(2) of this section may apply to the superintendent of public 1195  
instruction for a waiver from the requirements of division (A) of 1196  
this section, under which the district may be permitted to deposit 1197  
an amount less than required by that division or permitted to make 1198  
no deposit into the district capital and maintenance fund for that 1199  
year. The superintendent may grant a waiver under division (D)(3) 1200  
of this section if the district demonstrates to the satisfaction 1201  
of the superintendent that compliance with division (A) of this 1202  
section that year will necessitate the reduction or elimination of 1203  
a program currently offered by the district that is critical to 1204  
the academic success of students of the district and that no 1205  
reasonable alternatives exist for spending reductions in other 1206  
areas of operation within the district that negate the necessity 1207  
of the reduction or elimination of that program. 1208

(E) Notwithstanding any provision to the contrary in Chapter 1209  
4117. of the Revised Code, the requirements of this section 1210  
prevail over any conflicting provisions of agreements between 1211  
employee organizations and public employers entered into after 1212  
November 21, 1997. 1213

(F) As used in this section, "student population" means the 1214  
average, daily, full-time equivalent number of students in 1215  
kindergarten through twelfth grade receiving any educational 1216  
services from the school district during the first full school 1217  
week in October, excluding students enrolled in adult education 1218  
classes, but including all of the following: 1219

(1) Adjacent or other district students enrolled in the 1220  
district under an open enrollment policy pursuant to section 1221  
3313.98 of the Revised Code; 1222

(2) Students receiving services in the district pursuant to a 1223  
compact, cooperative education agreement, or a contract, but who 1224



are entitled to attend school in another district pursuant to 1225  
section 3313.64 or 3313.65 of the Revised Code; 1226

(3) Students for whom tuition is payable pursuant to sections 1227  
3317.081 and 3323.141 of the Revised Code. 1228

The department of education shall determine a district's 1229  
student population using data reported to it under section 3317.03 1230  
of the Revised Code for the applicable fiscal year. 1231

**Sec. 3315.19.** Notwithstanding the provisions of ~~sections~~ 1232  
~~3315.17 and~~ section 3315.18 of the Revised Code as ~~they exist~~ it 1233  
exists after ~~the effective date of this section~~ July 1, 2001, the 1234  
board of education of any school district annually may elect to 1235  
set aside funds ~~for textbooks and instructional materials or for~~ 1236  
capital and maintenance in accordance with the provisions of ~~those~~ 1237  
~~sections~~ that section as ~~they~~ it existed prior to ~~the effective~~ 1238  
~~date of this section~~ July 1, 2001, and the rules adopted under 1239  
~~those sections~~ that section. Any district board making such an 1240  
election under this section shall notify the auditor of state 1241  
within ninety days after the beginning of the fiscal year whether 1242  
the district intends to comply with the provisions of ~~one or both~~ 1243  
former ~~sections~~ section 3315.18 of the Revised Code. A school 1244  
district making an election under this section shall not be 1245  
required to comply, during the fiscal year of the election, with 1246  
the provisions of ~~the applicable sections~~ section 3315.18 of the 1247  
Revised Code as ~~they exist~~ it exists after ~~the effective date of~~ 1248  
~~this section~~ July 1, 2001. 1249

**Sec. 3316.06.** (A) Within one hundred twenty days after the 1250  
first meeting of a school district financial planning and 1251  
supervision commission, the commission shall adopt a financial 1252  
recovery plan regarding the school district for which the 1253  
commission was created. During the formulation of the plan, the 1254

commission shall seek appropriate input from the school district 1255  
board and from the community. This plan shall contain the 1256  
following: 1257

(1) Actions to be taken to: 1258

(a) Eliminate all fiscal emergency conditions declared to 1259  
exist pursuant to division (B) of section 3316.03 of the Revised 1260  
Code; 1261

(b) Satisfy any judgments, past-due accounts payable, and all 1262  
past-due and payable payroll and fringe benefits; 1263

(c) Eliminate the deficits in all deficit funds, except that 1264  
any prior year deficits in ~~the textbook and instructional~~ 1265  
~~materials fund established pursuant to section 3315.17 of the~~ 1266  
~~Revised Code and~~ the capital and maintenance fund established 1267  
pursuant to section 3315.18 of the Revised Code shall be forgiven; 1268

(d) Restore to special funds any moneys from such funds that 1269  
were used for purposes not within the purposes of such funds, or 1270  
borrowed from such funds by the purchase of debt obligations of 1271  
the school district with the moneys of such funds, or missing from 1272  
the special funds and not accounted for, if any; 1273

(e) Balance the budget, avoid future deficits in any funds, 1274  
and maintain on a current basis payments of payroll, fringe 1275  
benefits, and all accounts; 1276

(f) Avoid any fiscal emergency condition in the future; 1277

(g) Restore the ability of the school district to market 1278  
long-term general obligation bonds under provisions of law 1279  
applicable to school districts generally. 1280

(2) The management structure that will enable the school 1281  
district to take the actions enumerated in division (A)(1) of this 1282  
section. The plan shall specify the level of fiscal and management 1283  
control that the commission will exercise within the school 1284

district during the period of fiscal emergency, and shall 1285  
enumerate respectively, the powers and duties of the commission 1286  
and the powers and duties of the school board during that period. 1287  
The commission may elect to assume any of the powers and duties of 1288  
the school board it considers necessary, including all powers 1289  
related to personnel, curriculum, and legal issues in order to 1290  
successfully implement the actions described in division (A)(1) of 1291  
this section. 1292

(3) The target dates for the commencement, progress upon, and 1293  
completion of the actions enumerated in division (A)(1) of this 1294  
section and a reasonable period of time expected to be required to 1295  
implement the plan. The commission shall prepare a reasonable time 1296  
schedule for progress toward and achievement of the requirements 1297  
for the plan, and the plan shall be consistent with that time 1298  
schedule. 1299

(4) The amount and purpose of any issue of debt obligations 1300  
that will be issued, together with assurances that any such debt 1301  
obligations that will be issued will not exceed debt limits 1302  
supported by appropriate certifications by the fiscal officer of 1303  
the school district and the county auditor. Debt obligations 1304  
issued pursuant to section 133.301 of the Revised Code shall 1305  
include assurances that such debt shall be in an amount not to 1306  
exceed the amount certified under division (B) of such section. If 1307  
the commission considers it necessary in order to maintain or 1308  
improve educational opportunities of pupils in the school 1309  
district, the plan may include a proposal to restructure or 1310  
refinance outstanding debt obligations incurred by the board under 1311  
section 3313.483 of the Revised Code contingent upon the approval, 1312  
during the period of the fiscal emergency, by district voters of a 1313  
tax levied under section 718.09, 718.10, 5705.194, 5705.21, 1314  
5748.02, or 5748.08 of the Revised Code that is not a renewal or 1315  
replacement levy, or a levy under section 5705.199 of the Revised 1316

Code, and that will provide new operating revenue. Notwithstanding 1317  
any provision of Chapter 133. or sections 3313.483 to 3313.4811 of 1318  
the Revised Code, following the required approval of the district 1319  
voters and with the approval of the commission, the school 1320  
district may issue securities to evidence the restructuring or 1321  
refinancing. Those securities may extend the original period for 1322  
repayment, not to exceed ten years, and may alter the frequency 1323  
and amount of repayments, interest or other financing charges, and 1324  
other terms of agreements under which the debt originally was 1325  
contracted, at the discretion of the commission, provided that any 1326  
loans received pursuant to section 3313.483 of the Revised Code 1327  
shall be paid from funds the district would otherwise receive 1328  
under Chapter 3306. of the Revised Code, as required under 1329  
division (E)(3) of section 3313.483 of the Revised Code. The 1330  
securities issued for the purpose of restructuring or refinancing 1331  
the debt shall be repaid in equal payments and at equal intervals 1332  
over the term of the debt and are not eligible to be included in 1333  
any subsequent proposal for the purpose of restructuring or 1334  
refinancing debt under this section. 1335

(B) Any financial recovery plan may be amended subsequent to 1336  
its adoption. Each financial recovery plan shall be updated 1337  
annually. 1338

(C) Each school district financial planning and supervision 1339  
commission shall submit the financial recovery plan it adopts or 1340  
updates under this section to the state superintendent of public 1341  
instruction for approval immediately following its adoption or 1342  
updating. The state superintendent shall evaluate the plan and 1343  
either approve or disapprove it within thirty calendar days from 1344  
the date of its submission. If the plan is disapproved, the state 1345  
superintendent shall recommend modifications that will render it 1346  
acceptable. No financial planning and supervision commission shall 1347  
implement a financial recovery plan that is adopted or updated on 1348

or after April 10, 2001, unless the state superintendent has 1349  
approved it. 1350

**Sec. 3316.16.** (A) A school district financial planning and 1351  
supervision commission, with respect to its functions under this 1352  
chapter, shall continue in existence until such time as a 1353  
determination is made under division (B) of this section that all 1354  
of the following have occurred: 1355

(1) An effective financial accounting and reporting system in 1356  
accordance with section 3316.10 of the Revised Code is in the 1357  
process of being implemented, and it is reasonably expected that 1358  
this implementation will be completed within two years. 1359

(2) All of the fiscal emergency conditions determined 1360  
pursuant to division (B) of section 3316.03 of the Revised Code 1361  
have been corrected or eliminated, and no new fiscal emergency 1362  
conditions have occurred. 1363

(3) The objectives of the financial recovery plan described 1364  
in section 3316.06 of the Revised Code are being met. 1365

(4) The school district board has prepared a financial 1366  
forecast for a five-year period in accordance with the standards 1367  
issued by the auditor of state and an opinion has been rendered by 1368  
the auditor of state that the financial forecast is considered to 1369  
be nonadverse. The forecast shall display the district's projected 1370  
compliance with ~~sections 3315.17 and~~ section 3315.18 of the 1371  
Revised Code beginning in the year the commission is proposed for 1372  
termination. 1373

(B) The determination that all conditions listed in division 1374  
(A) of this section for the termination of the existence of the 1375  
commission and its functions exist may be made either by the 1376  
auditor of state or by the commission and shall be certified to 1377  
the commission, the auditor of state, the governor, the director 1378

of budget and management, and the budget commission, whereupon 1379  
such commission and its functions under this chapter shall 1380  
terminate. This determination shall be made by the auditor of 1381  
state upon the filing with the auditor of state of a written 1382  
request for such a determination by the school district board, the 1383  
governor, or the commission, or may be made by the auditor of 1384  
state upon the auditor of state's own initiative. 1385

(C) The commission shall prepare and submit at the time of 1386  
such certification a final report of its activities, in such form 1387  
as is appropriate for the purpose of providing a record of its 1388  
activities and assisting other commissions created under this 1389  
chapter in the conduct of their functions. All of the books and 1390  
records of the commission shall be delivered to the auditor of 1391  
state for retention and safekeeping. 1392

(D) Upon receipt of the certification provided for in 1393  
division (B) of this section, the director of budget and 1394  
management shall follow the procedures set forth in section 126.29 1395  
of the Revised Code. 1396

(E) If, at the time of termination of the commission, an 1397  
effective financial accounting and reporting system has not been 1398  
fully implemented, the auditor of state shall monitor the progress 1399  
of implementation and shall exercise authority under this section 1400  
and Chapter 117. of the Revised Code to secure full implementation 1401  
at the earliest time feasible but within two years after such 1402  
termination. 1403

**Sec. 3317.018.** (A) The department of education shall make no 1404  
calculations or payments under Chapter 3317. of the Revised Code 1405  
for any fiscal year except as prescribed in this section. 1406

(B) School districts shall report student enrollment data as 1407  
prescribed by section 3317.03 of the Revised Code, which data the 1408  
department shall use to make payments under Chapters 3306. and 1409

3317. of the Revised Code. 1410

(C) The tax commissioner shall report data regarding tax 1411  
valuation and receipts for school districts as prescribed by 1412  
sections 3317.015, 3317.021, 3317.025, 3317.026, 3317.027, 1413  
3317.028, 3317.0210, 3317.0211, and 3317.08 and by division (M) of 1414  
section 3317.02 of the Revised Code, which data the department 1415  
shall use to make payments under Chapters 3306. and 3317. of the 1416  
Revised Code. 1417

(D) Unless otherwise specified by another provision of law, 1418  
in addition to the payments prescribed by Chapter 3306. of the 1419  
Revised Code, the department shall continue to make payments to or 1420  
adjustments for school districts in fiscal years after fiscal year 1421  
2009 under the following provisions of Chapter 3317. of the 1422  
Revised Code: 1423

(1) The catastrophic cost reimbursement under division (C)(3) 1424  
of section 3317.022 of the Revised Code. No other payments shall 1425  
be made under that section. 1426

(2) All payments or adjustments under section 3317.023 of the 1427  
Revised Code, except no payments or adjustments shall be made 1428  
under divisions (B), (C), and (D) of that section. 1429

(3) All payments or adjustments under section 3317.024 of the 1430  
Revised Code, except no payments or adjustments shall be made 1431  
under divisions (F), ~~(L)~~, and (N) of that section for fiscal years 1432  
after fiscal year 2009 or under division (L) of that section for 1433  
fiscal years 2010 and 2011. 1434

(4) All payments and adjustments under sections 3317.025, 1435  
3317.026, 3317.027, 3317.028, 3317.0210, and 3317.0211 of the 1436  
Revised Code; 1437

(5) Payments under section 3317.04 of the Revised Code; 1438

(6) Unit payments under sections 3317.05, 3317.051, 3317.052, 1439

and 3317.053 of the Revised Code, except that no units for gifted 1440  
funding are authorized ~~after fiscal year 2009~~ for fiscal years 1441  
2010 and 2011. 1442

(7) Payments under sections 3317.06, 3317.063, and 3317.064 1443  
of the Revised Code; 1444

(8) Payments under section 3317.07 of the Revised Code; 1445

(9) Payments to educational service centers under section 1446  
3317.11 of the Revised Code; 1447

(10) The catastrophic cost reimbursement under division (E) 1448  
of section 3317.16 of the Revised Code and excess cost 1449  
reimbursements under division (G) of that section. No other 1450  
payments shall be made under that section; 1451

(11) Payments under section 3317.17 of the Revised Code; 1452

(12) Adjustments under section 3317.18 of the Revised Code; 1453

(13) Payments to cooperative education school districts under 1454  
section 3317.19 of the Revised Code; 1455

(14) Payments to county MR/DD boards under section 3317.20 of 1456  
the Revised Code; 1457

(15) Payments to state institutions for weighted special 1458  
education funding under section 3317.201 of the Revised Code. 1459

(E) Sections 3317.016 and 3317.017 shall not apply to fiscal 1460  
years after fiscal year 2009. 1461

(F) This section does not affect the provisions of sections 1462  
3317.031, 3317.032, 3317.033, 3317.035, 3317.061, 3317.08, 1463  
3317.081, 3317.082, 3317.09, 3317.12, 3317.13, 3317.14, 3317.15, 1464  
3317.50, 3317.51, 3317.62, 3317.63, and 3317.64 of the Revised 1465  
Code. 1466

**Sec. 3317.024.** The following shall be distributed monthly, 1467  
quarterly, or annually as may be determined by the state board of 1468



education, except that the department of education shall not make 1469  
payments under divisions (F), ~~(L)~~, and (N) of this section for any 1470  
fiscal year after fiscal year 2009 or under division (L) of this 1471  
section for fiscal year 2010 or 2011: 1472

(A) An amount for each island school district and each joint 1473  
state school district for the operation of each high school and 1474  
each elementary school maintained within such district and for 1475  
capital improvements for such schools. Such amounts shall be 1476  
determined on the basis of standards adopted by the state board of 1477  
education. 1478

(B) An amount for each school district operating classes for 1479  
children of migrant workers who are unable to be in attendance in 1480  
an Ohio school during the entire regular school year. The amounts 1481  
shall be determined on the basis of standards adopted by the state 1482  
board of education, except that payment shall be made only for 1483  
subjects regularly offered by the school district providing the 1484  
classes. 1485

(C) An amount for each school district with guidance, 1486  
testing, and counseling programs approved by the state board of 1487  
education. The amount shall be determined on the basis of 1488  
standards adopted by the state board of education. 1489

(D) An amount for the emergency purchase of school buses as 1490  
provided for in section 3317.07 of the Revised Code; 1491

(E) An amount for each school district required to pay 1492  
tuition for a child in an institution maintained by the department 1493  
of youth services pursuant to section 3317.082 of the Revised 1494  
Code, provided the child was not included in the calculation of 1495  
the district's average daily membership for the preceding school 1496  
year. 1497

(F) An amount for adult basic literacy education for each 1498

district participating in programs approved by the state board of 1499  
education. The amount shall be determined on the basis of 1500  
standards adopted by the state board of education. 1501

(G) An amount for the approved cost of transporting eligible 1502  
pupils with disabilities attending a special education program 1503  
approved by the department of education whom it is impossible or 1504  
impractical to transport by regular school bus in the course of 1505  
regular route transportation provided by the district or service 1506  
center. No district or service center is eligible to receive a 1507  
payment under this division for the cost of transporting any pupil 1508  
whom it transports by regular school bus and who is included in 1509  
the district's transportation ADM. The state board of education 1510  
shall establish standards and guidelines for use by the department 1511  
of education in determining the approved cost of such 1512  
transportation for each district or service center. 1513

(H) An amount to each school district, including each 1514  
cooperative education school district, pursuant to section 3313.81 1515  
of the Revised Code to assist in providing free lunches to needy 1516  
children and an amount to assist needy school districts in 1517  
purchasing necessary equipment for food preparation. The amounts 1518  
shall be determined on the basis of rules adopted by the state 1519  
board of education. 1520

(I) An amount to each school district, for each pupil 1521  
attending a chartered nonpublic elementary or high school within 1522  
the district. The amount shall equal the amount appropriated for 1523  
the implementation of section 3317.06 of the Revised Code divided 1524  
by the average daily membership in grades kindergarten through 1525  
twelve in nonpublic elementary and high schools within the state 1526  
as determined during the first full week in October of each school 1527  
year. 1528

(J) An amount for each county DD board, distributed on the 1529  
basis of standards adopted by the state board of education, for 1530

the approved cost of transportation required for children 1531  
attending special education programs operated by the county DD 1532  
board under section 3323.09 of the Revised Code; 1533

(K) An amount for each school district that establishes a 1534  
mentor teacher program that complies with rules of the state board 1535  
of education. No school district shall be required to establish or 1536  
maintain such a program in any year unless sufficient funds are 1537  
appropriated to cover the district's total costs for the program. 1538

(L) An amount to each school district or educational service 1539  
center for the total number of gifted units approved pursuant to 1540  
section 3317.05 of the Revised Code. The amount for each such unit 1541  
shall be the sum of the minimum salary for the teacher of the 1542  
unit, calculated on the basis of the teacher's training level and 1543  
years of experience pursuant to the salary schedule prescribed in 1544  
the version of section 3317.13 of the Revised Code in effect prior 1545  
to July 1, 2001, plus fifteen per cent of that minimum salary 1546  
amount, plus two thousand six hundred seventy-eight dollars. 1547

(M) An amount to each institution defined under section 1548  
3317.082 of the Revised Code providing elementary or secondary 1549  
education to children other than children receiving special 1550  
education under section 3323.091 of the Revised Code. This amount 1551  
for any institution in any fiscal year shall equal the total of 1552  
all tuition amounts required to be paid to the institution under 1553  
division (A)(1) of section 3317.082 of the Revised Code. 1554

(N) A grant to each school district and joint vocational 1555  
school district that operates a "graduation, reality, and 1556  
dual-role skills" (GRADS) program for pregnant and parenting 1557  
students that is approved by the department. The amount of the 1558  
payment shall be the district's state share percentage, as defined 1559  
in section 3317.022 or 3317.16 of the Revised Code, times the 1560  
GRADS personnel allowance times the full-time-equivalent number of 1561  
GRADS teachers approved by the department. The GRADS personnel 1562

allowance is \$47,555 in fiscal years 2008 and 2009. The GRADS 1563  
program shall include instruction on adoption as an option for 1564  
unintended pregnancies. 1565

The state board of education or any other board of education 1566  
or governing board may provide for any resident of a district or 1567  
educational service center territory any educational service for 1568  
which funds are made available to the board by the United States 1569  
under the authority of public law, whether such funds come 1570  
directly or indirectly from the United States or any agency or 1571  
department thereof or through the state or any agency, department, 1572  
or political subdivision thereof. 1573

**Sec. 3321.01.** (A)(1) As used in this chapter, "parent," 1574  
"guardian," or "other person having charge or care of a child" 1575  
means either parent unless the parents are separated or divorced 1576  
or their marriage has been dissolved or annulled, in which case 1577  
"parent" means the parent who is the residential parent and legal 1578  
custodian of the child. If the child is in the legal or permanent 1579  
custody of a person or government agency, "parent" means that 1580  
person or government agency. When a child is a resident of a home, 1581  
as defined in section 3313.64 of the Revised Code, and the child's 1582  
parent is not a resident of this state, "parent," "guardian," or 1583  
"other person having charge or care of a child" means the head of 1584  
the home. 1585

A child between six and eighteen years of age is "of 1586  
compulsory school age" for the purpose of sections 3321.01 to 1587  
3321.13 of the Revised Code. A child under six years of age who 1588  
has been enrolled in kindergarten also shall be considered "of 1589  
compulsory school age" for the purpose of sections 3321.01 to 1590  
3321.13 of the Revised Code unless at any time the child's parent 1591  
or guardian, at the parent's or guardian's discretion and in 1592  
consultation with the child's teacher and principal, formally 1593

withdraws the child from kindergarten. The compulsory school age 1594  
of a child shall not commence until the beginning of the term of 1595  
such schools, or other time in the school year fixed by the rules 1596  
of the board of the district in which the child resides. 1597

(2) No child shall be admitted to a kindergarten or a first 1598  
grade of a public school in a district in which all children are 1599  
admitted to kindergarten and the first grade in August or 1600  
September unless the child is five or six years of age, 1601  
respectively, by the thirtieth day of September of the year of 1602  
admittance, or by the first day of a term or semester other than 1603  
one beginning in August or September in school districts granting 1604  
admittance at the beginning of such term or semester, except that 1605  
in those school districts using or obtaining educationally 1606  
accepted standardized testing programs for determining entrance, 1607  
as approved by the board of education of such districts, the board 1608  
shall admit a child to kindergarten or the first grade who fails 1609  
to meet the age requirement, provided the child meets necessary 1610  
standards as determined by such standardized testing programs. If 1611  
the board of education has not established a standardized testing 1612  
program, the board shall designate the necessary standards and a 1613  
testing program it will accept for the purpose of admitting a 1614  
child to kindergarten or first grade who fails to meet the age 1615  
requirement. Each child who will be the proper age for entrance to 1616  
kindergarten or first grade by the first day of January of the 1617  
school year for which admission is requested shall be so tested 1618  
upon the request of the child's parent. 1619

(3) Notwithstanding divisions (A)(2) and (D) of this section, 1620  
beginning with the school year that starts in 2001 and continuing 1621  
thereafter the board of education of any district may adopt a 1622  
resolution establishing the first day of August in lieu of the 1623  
thirtieth day of September as the required date by which students 1624  
must have attained the age specified in those divisions. 1625

(B) As used in divisions (C) and (D) of this section, 1626  
"successfully completed kindergarten" and "successful completion 1627  
of kindergarten" mean that the child has completed the 1628  
kindergarten requirements at one of the following: 1629

(1) A public or chartered nonpublic school; 1630

(2) A kindergarten class that is both of the following: 1631

(a) Offered by a day-care provider licensed under Chapter 1632  
5104. of the Revised Code; 1633

(b) If offered after July 1, 1991, is directly taught by a 1634  
teacher who holds one of the following: 1635

(i) A valid educator license issued under section 3319.22 of 1636  
the Revised Code; 1637

(ii) A Montessori preprimary credential or age-appropriate 1638  
diploma granted by the American Montessori society or the 1639  
association Montessori internationale; 1640

(iii) Certification determined under division (G) of this 1641  
section to be equivalent to that described in division 1642  
(B)(2)(b)(ii) of this section; 1643

(iv) Certification for teachers in nontax-supported schools 1644  
pursuant to section 3301.071 of the Revised Code. 1645

(C) Except as provided in division (D) of this section, no 1646  
school district shall admit to the first grade any child who has 1647  
not successfully completed kindergarten. 1648

(D) Upon request of a parent, the requirement of division (C) 1649  
of this section may be waived by the district's pupil personnel 1650  
services committee in the case of a child who is at least six 1651  
years of age by the thirtieth day of September of the year of 1652  
admittance and who demonstrates to the satisfaction of the 1653  
committee the possession of the social, emotional, and cognitive 1654  
skills necessary for first grade. 1655

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 1686  
to that effect. 1687

(H) As used in this division, "all-day kindergarten" has the 1688  
same meaning as in section 3321.05 of the Revised Code. 1689

(1) Any school district that did not receive for fiscal year 1690  
2009 poverty-based assistance for all-day kindergarten under 1691  
division (D) of section 3317.029 of the Revised Code may charge 1692  
fees or tuition for students enrolled in all-day kindergarten. If 1693  
a district charges fees or tuition for all-day kindergarten under 1694  
this division, the district shall develop a sliding fee scale 1695  
based on family incomes. 1696

(2) The department of education shall conduct an annual 1697  
survey of each school district described in division (H)(1) of 1698  
this section to determine the following: 1699

~~(1)~~(a) Whether the district charges fees or tuition for 1700  
students enrolled in all-day kindergarten; 1701

(b) The amount of the fees or tuition charged; 1702

(c) How many of the students for whom tuition is charged are 1703  
eligible for free lunches under the "National School Lunch Act," 1704  
60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child 1705  
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, 1706  
and how many of the students for whom tuition is charged are 1707  
eligible for reduced price lunches under those acts; 1708

~~(2)~~(d) How many students are enrolled in traditional half-day 1709  
kindergarten ~~and how many students are enrolled in~~ rather than 1710  
all-day kindergarten, ~~as defined in section 3321.05 of the Revised~~ 1711  
Code. 1712

Each district shall report to the department, in the manner 1713  
prescribed by the department, the information ~~required by this~~ 1714  
~~division~~ described in divisions (H)(2)(a) to (d) of this section. 1715



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. 1747

**Section 2.** That existing sections 3301.07, 3301.16, 3302.05, 1748  
3302.07, 3306.01, 3306.02, 3306.05, 3306.06, 3306.07, 3306.08, 1749  
3306.09, 3306.091, 3306.10, 3315.18, 3315.19, 3316.06, 3316.16, 1750  
3317.018, 3317.024, 3321.01, and 3321.05 and sections 3306.18, 1751  
3306.25, 3306.30, 3306.31, 3306.33, 3306.34, 3306.35, 3306.40, 1752  
3313.821, 3313.822, 3315.17, 3315.171, and 3318.312 of the Revised 1753  
Code are hereby repealed. 1754

**Section 3.** That Section 265.70.70 of Am. Sub. H.B. 1 of the 1755  
128th General Assembly and Section 9 of Sub. H.B. 318 of the 128th 1756  
General Assembly are hereby repealed. 1757

**Section 4.** Sections 1, 2, and 3 of this act take effect July 1758  
1, 2011. 1759

**Section 5.** Sections 3301.07 and 3317.024 of the Revised Code 1760  
are presented in this act as composites of the sections as amended 1761  
by both Am. Sub. H.B. 1 and Sub. S.B. 79 of the 128th General 1762  
Assembly. The General Assembly, applying the principle stated in 1763  
division (B) of section 1.52 of the Revised Code that amendments 1764  
are to be harmonized if reasonably capable of simultaneous 1765  
operation, finds that the composites are the resulting versions of 1766  
the sections in effect prior to the effective date of the sections 1767  
as presented in this act. 1768