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Representative Gardner

**Cosponsors: Representatives Wachtmann, Stautberg, Sears, Derickson,
Brenner, Maag, Adams, J., Carey, Beck, Blair, Burke, Combs, Hottinger,
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**Senators Hite, Bacon, Beagle, Daniels, Grendell, Hughes, Jones, Jordan,
LaRose, Lehner, Patton, Schaffer, Seitz, Wagoner, Widener, Cates, Niehaus,
Manning**

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A B I L L

To amend sections 3301.07, 3301.16, 3302.05, 3302.07,	1
3306.01, 3306.02, 3306.05, 3306.06, 3306.07,	2
3306.08, 3306.09, 3306.091, 3306.10, 3315.18,	3
3315.19, 3316.06, 3316.16, 3317.018, 3317.024,	4
3321.01, and 3321.05; to enact section 3301.96;	5
and to repeal sections 3306.18, 3306.25, 3306.30,	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 330
are given in accordance with sections 3301.07 and 3313.60 of the 331
Revised Code and which offers such other subjects as may be 332
approved by the state board of education. In districts wherein a 333
junior high school is maintained, the elementary schools in that 334
district may be considered to include only the work of the first 335
six school years inclusive, plus the kindergarten year. 336

A high school or an elementary school may consist of less 337
than one or more than one organizational unit, as defined in 338
sections 3306.02 and 3306.04 of the Revised Code. 339

Sec. 3301.96. Any school district that is required by the 340
agreement for a grant awarded under the federal Race to the Top 341
program, Division (A), Title XIV, Sections 14005 and 14006 of the 342
"American Recovery and Reinvestment Act of 2009," Pub. L. No. 343
111-5, 123 Stat. 115, to employ a linkage coordinator and engage 344
in other activities for closing the achievement gap and increasing 345
the graduation rate or to have a family and civic engagement team 346
shall continue to comply with those provisions for the life of the 347
grant award, in the manner provided for by former sections 348
3306.31, 3313.821, and 3313.822 of the Revised Code, which 349
sections were repealed by Sub. H.B. 30 of the 129th general 350
assembly. 351

Sec. 3302.05. The state board of education shall adopt rules 352
freeing school districts declared to be excellent under division 353
(B)(1) or effective under division (B)(2) of section 3302.03 of 354
the Revised Code from specified state mandates. Any mandates 355
included in the rules shall be only those statutes or rules 356
pertaining to state education requirements. The rules shall not 357
exempt districts from any standard or requirement of ~~Chapter 3306.~~ 358

section 3306.09 of the Revised Code or from any operating standard 359
adopted under division (D)(3) of section 3301.07 of the Revised 360
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 611
district means the quotient obtained by dividing the district's 612
class one taxes charged and payable for current expenses, 613
excluding taxes levied under sections 5705.194 to 5705.197, 614
5705.199, 5705.213, and 5705.219 of the Revised Code, by the 615
district's class one taxable value. 616

(F) "Core teacher" means an education professional who 617
provides instruction in English-language arts, mathematics, 618
science, social studies, or foreign languages. 619

(G) "Counselor" means a person with a valid educator license 620
issued pursuant to section 3319.22 of the Revised Code who 621
provides pre-college and career counseling, general academic 622
counseling, course planning, and other counseling services that 623
are not related to a student's individualized education plan, as 624
defined in section 3323.01 of the Revised Code. 625

(H)(1) "Formula ADM" means, for a city, local, or exempted 626
village school district, the average daily membership described in 627
division (A) of section 3317.03 of the Revised Code, as verified 628
by the superintendent of public instruction and adjusted if so 629
ordered under division (K) of that section, further adjusted by 630
the department of education, as follows: 631

(a) Count only twenty per cent of the number of joint 632
vocational school district students counted under division (A)(3) 633
of section 3317.03 of the Revised Code; 634

(b) Add twenty per cent of the number of students who are 635
entitled to attend school in the district under section 3313.64 or 636
3313.65 of the Revised Code and are enrolled in another school 637
district under a career-technical educational compact. 638

(2) In making calculations under this chapter that utilize 639
formula ADM, the department shall use the formula ADM derived from 640
the final, verified, and adjusted average daily membership 641
described under division (A) of section 3317.03 of the Revised 642
Code for the prior fiscal year, unless such average daily 643
membership for the current fiscal year exceeds that number by two 644
per cent or more. In that case, the department shall derive the 645
formula ADM from such average daily membership for the current 646
fiscal year. 647

(3) For fiscal year 2010, the department shall calculate 648
formula ADM on the basis of the final, verified, and adjusted 649
average daily membership, described in division (A) of the version 650
of section 3317.03 of the Revised Code in effect on and after ~~the~~ 651
~~effective date of this amendment~~ July 17, 2009, for October 2008 652
unless such average daily membership for October 2009 exceeds that 653
number by two per cent or more. In that case, the department shall 654
derive the formula ADM from such average daily membership for 655
October 2009. 656

(I) "Gifted coordinator" means a person who holds a valid 657
educator license issued under section 3319.22 of the Revised Code, 658
meets the qualifications for a gifted coordinator specified in the 659
operating standards for identifying and serving gifted students 660
prescribed in rules adopted by the state board of education, and 661
provides coordination services for gifted students in accordance 662
with those standards. 663

(J) "Gifted intervention specialist" means a person who holds 664
a valid gifted intervention specialist license or endorsement 665
issued under section 3319.22 of the Revised Code and serves gifted 666
students in accordance with the operating standards for 667
identifying and serving gifted students prescribed in rules 668
adopted by the state board of education. 669

(K) "Internet- or computer-based community school" has the 670

same meaning as in section 3314.02 of the Revised Code. 671

(L) "Lead teacher" means a teacher who provides mentoring and 672
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 instruction to be a medically fragile child. A school district may petition the superintendent of public instruction for a determination that a child is a medically fragile child.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(EE) "Supplemental teacher" means a person holding a valid educator license issued pursuant to section 3319.22 of the Revised Code, or qualified to secure such a license and approved by the school district to provide remedial services, intensive

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 826
three divided by the following: 827

(a) In fiscal years 2010 and 2011, nineteen; 828

(b) In fiscal years 2012 and 2013, seventeen; 829

(c) In fiscal year 2014 and in each fiscal year thereafter, 830
fifteen. 831

(2) The number of specialist teacher positions funded shall 832
be calculated by multiplying the number of core teacher positions 833
determined under division (B)(1) of this section for grades 834
kindergarten to eight by one-fifth, and by multiplying the number 835
of core teacher positions determined for grades nine to twelve by 836
one-fourth. 837

(3) The number of lead teacher positions funded shall equal 838
the number of the district's organizational units. 839

(4) The number of special education teacher positions and 840
special education teacher's aide positions funded shall be 841
calculated as provided in section 3306.11 of the Revised Code. 842

(5) The number of limited English proficiency teacher 843
positions funded shall be calculated by multiplying the district's 844
formula ADM times the district's percentage of limited English 845
proficient students, as defined in 20 U.S.C. 7801, and then 846
dividing that product by one hundred; 847

(6) The number of supplemental teacher positions funded shall 848
be calculated by multiplying the district's formula ADM times its 849
targeted poverty indicator, and then dividing that product by one 850
hundred. 851

~~(C) Each school district shall account separately for~~ 852

~~expenditures of the amounts received for instructional services 853~~
~~support under this section and report that information to the 854~~
~~department of education. 855~~

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 1100
2017. 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 compact, cooperative education agreement, or a contract, but who are entitled to attend school in another district pursuant to section 3313.64 or 3313.65 of the Revised Code;

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

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

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

Sec. 3316.06. (A) Within one hundred twenty days after the first meeting of a school district financial planning and supervision commission, the commission shall adopt a financial

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 1656
village school district shall establish a pupil personnel services 1657
committee. The committee shall be composed of all of the following 1658
to the extent such personnel are either employed by the district 1659
or employed by the governing board of the educational service 1660
center within whose territory the district is located and the 1661
educational service center generally furnishes the services of 1662
such personnel to the district: 1663

(1) The director of pupil personnel services; 1664

(2) An elementary school counselor; 1665

(3) An elementary school principal; 1666

(4) A school psychologist; 1667

(5) A teacher assigned to teach first grade; 1668

(6) A gifted coordinator. 1669

The responsibilities of the pupil personnel services 1670
committee shall be limited to the issuing of waivers allowing 1671
admittance to the first grade without the successful completion of 1672
kindergarten. The committee shall have no other authority except 1673
as specified in this section. 1674

(E) The scheduling of times for kindergarten classes and 1675
length of the school day for kindergarten shall be determined by 1676
the board of education of a city, exempted village, or local 1677
school district, ~~subject to section 3321.05 of the Revised Code.~~ 1678

(F) Any kindergarten class offered by a day-care provider or 1679
school described by division (B)(1) or (B)(2)(a) of this section 1680
shall be developmentally appropriate. 1681

(G) Upon written request of a day-care provider described by 1682
division (B)(2)(a) of this section, the department of education 1683
shall determine whether certification held by a teacher employed 1684

by the provider meets the requirement of division (B)(2)(b)(iii) 1685
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 1716
the survey and shall post the report on its web site. The 1717
department shall issue the first report not later than April 30, 1718
2008, and shall issue a report not later than the thirtieth day of 1719
April each year thereafter. 1720

Sec. 3321.05. (A) As used in this section, "all-day 1721
kindergarten" means a kindergarten class that is in session five 1722
days per week for not less than the same number of clock hours 1723
each day as for students in grades one through six. 1724

(B) Any school district may operate all-day kindergarten or 1725
extended kindergarten, but ~~beginning in fiscal year 2011, each~~ 1726
~~city, local, and exempted village school district shall provide~~ 1727
~~all-day kindergarten to each student enrolled in kindergarten,~~ 1728
~~except as specified in divisions (C) and (D) of this section.~~ 1729

~~(C) The board of education of a school district may apply to~~ 1730
~~the superintendent of public instruction for a waiver of the~~ 1731
~~requirement to provide all-day kindergarten for all kindergarten~~ 1732
~~students. In making the determination to grant or deny the waiver,~~ 1733
~~the state superintendent may consider space concerns or~~ 1734
~~alternative delivery approaches used by the school district.~~ 1735

~~(D) No~~ no district shall require any student to attend 1736
kindergarten for more than ~~one-half of~~ the number of clock hours 1737
required each day for ~~grades one through six~~ traditional 1738
kindergarten by the minimum standards adopted under division (D) 1739
of section 3301.07 of the Revised Code. Each school district that 1740
operates all-day or extended kindergarten shall accommodate 1741
kindergarten students whose parents or guardians elect to enroll 1742
them for ~~one-half of~~ the minimum number of hours ~~required each day~~ 1743
~~for grades one through six.~~ 1744

~~(E)~~(C) A school district may use space in child day-care 1745
centers licensed under Chapter 5104. of the Revised Code to 1746
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