(130th General Assembly)
(Amended Substitute House Bill Number 178)

AN ACT

To amend sections 3313.976, 3314.03, 3326.11, 3328.24, and 3737.73 and to enact section 3319.46 of the Revised Code and to amend Sections 263.10 and 263.230 of Am. Sub. H.B. 59 of the 130th General Assembly, as subsequently amended, with respect to school safety drills in public and private schools; the use of seclusion and physical restraint on students and positive behavior intervention supports in public schools; and the qualification of private schools that are located within the boundaries of a city, local, or exempted village school district adjacent to the pilot project school district for the Pilot Project Scholarship Program and to make an appropriation.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3313.976, 3314.03, 3326.11, 3328.24, and 3737.73 be amended and section 3319.46 of the Revised Code be enacted to read as follows:

Sec. 3313.976. (A) No private school may receive scholarship payments from parents pursuant to section 3313.979 of the Revised Code until the chief administrator of the private school registers the school with the superintendent of public instruction. The state superintendent shall register any school that meets the following requirements:

(1) The school ~~is located~~ either:

(a) Offers any of grades kindergarten through twelve and is located within the boundaries of the pilot project school district;

(b) Offers any of grades nine through twelve and is located within the boundaries of a city, local, or exempted village school district that is both:

(i) Located in a municipal corporation with a population of fifty thousand or more;

(ii) Adjacent to the pilot project school district.

(2) The school indicates in writing its commitment to follow all requirements for a state-sponsored scholarship program specified under sections 3313.974 to 3313.979 of the Revised Code, including, but not limited to, the requirements for admitting students pursuant to section 3313.977 of the Revised Code;

(3) The school meets all state minimum standards for chartered nonpublic schools in effect on July 1, 1992, except that the state superintendent at the superintendent's discretion may register nonchartered nonpublic schools meeting the other requirements of this division;

(4) The school does not discriminate on the basis of race, religion, or ethnic background;

(5) The school enrolls a minimum of ten students per class or a sum of at least twenty-five students in all the classes offered;

(6) The school does not advocate or foster unlawful behavior or teach hatred of any person or group on the basis of race, ethnicity, national origin, or religion;

(7) The school does not provide false or misleading information about the school to parents, students, or the general public;

(8) For students in grades kindergarten through eight with family incomes at or below two hundred per cent of the federal poverty guidelines, as defined in section 5104.46 of the Revised Code, the school agrees not to charge any tuition in excess of the scholarship amount established pursuant to division (C)(1) of section 3313.978 of the Revised Code, excluding any increase described in division (C)(2) of that section.

(9) For students in grades kindergarten through eight with family incomes above two hundred per cent of the federal poverty guidelines, whose scholarship amounts are less than the actual tuition charge of the school, the school agrees not to charge any tuition in excess of the difference between the actual tuition charge of the school and the scholarship amount established pursuant to division (C)(1) of section 3313.978 of the Revised Code, excluding any increase described in division (C)(2) of that section. The school shall permit such tuition, at the discretion of the parent, to be satisfied by the family's provision of in-kind contributions or services.

(10) The school agrees not to charge any tuition to families of students in grades nine through twelve receiving a scholarship in excess of the actual tuition charge of the school less the scholarship amount established pursuant to division (C)(1) of section 3313.978 of the Revised Code, excluding any increase described in division (C)(2) of that section.

(11) If the school is not subject to division (K)(1)(a) of section

3301.0711 of the Revised Code, it annually administers the applicable assessments prescribed by section 3301.0710 or 3301.0712 of the Revised Code to each scholarship student enrolled in the school in accordance with section 3301.0711 or 3301.0712 of the Revised Code and reports to the department of education the results of each such assessment administered to each scholarship student.

(B) The state superintendent shall revoke the registration of any school if, after a hearing, the superintendent determines that the school is in violation of any of the provisions of division (A) of this section.

(C) Any public school located in a school district adjacent to the pilot project district may receive scholarship payments on behalf of parents pursuant to section 3313.979 of the Revised Code if the superintendent of the district in which such public school is located notifies the state superintendent prior to the first day of March that the district intends to admit students from the pilot project district for the ensuing school year pursuant to section 3327.06 of the Revised Code.

(D) Any parent wishing to purchase tutorial assistance from any person or governmental entity pursuant to the pilot project program under sections 3313.974 to 3313.979 of the Revised Code shall apply to the state superintendent. The state superintendent shall approve providers who appear to possess the capability of furnishing the instructional services they are offering to provide.

Sec. 3314.03. A copy of every contract entered into under this section shall be filed with the superintendent of public instruction. The department of education shall make available on its web site a copy of every approved, executed contract filed with the superintendent under this section.

(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following:

(1) That the school shall be established as either of the following:

(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;

(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.

(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;

(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;

(4) Performance standards by which the success of the school will be

evaluated by the sponsor;

(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;

(6)(a) Dismissal procedures;

(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.

(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;

(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.

(9) The facilities to be used and their locations;

(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code.

(11) That the school will comply with the following requirements:

(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.

(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.

(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution.

(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3301.948, 3313.472, 3313.50, 3313.536, 3313.539, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.80, 3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17,

3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code.

(e) The school shall comply with Chapter 102. and section 2921.42 of the Revised Code.

(f) The school will comply with sections 3313.61, 3313.611, and 3313.614 of the Revised Code, except that for students who enter ninth grade for the first time before July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum in any high school prior to receiving a high school diploma may be met by completing the curriculum adopted by the governing authority of the community school rather than the curriculum specified in Title XXXIII of the Revised Code or any rules of the state board of education. Beginning with students who enter ninth grade for the first time on or after July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum of a high school prior to receiving a high school diploma shall be met by completing the requirements prescribed in division (C) of section 3313.603 of the Revised Code, unless the person qualifies under division (D) or (F) of that section. Each school shall comply with the plan for awarding high school credit based on demonstration of subject area competency, adopted by the state board of education under division (J) of section 3313.603 of the Revised Code.

(g) The school governing authority will submit within four months after the end of each school year a report of its activities and progress in meeting the goals and standards of divisions (A)(3) and (4) of this section and its financial status to the sponsor and the parents of all students enrolled in the school.

(h) The school, unless it is an internet- or computer-based community school, will comply with section 3313.801 of the Revised Code as if it were a school district.

(i) If the school is the recipient of moneys from a grant awarded under the federal race to the top program, Division (A), Title XIV, Sections 14005 and 14006 of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the school will pay teachers based upon performance in accordance with section 3317.141 and will comply with section 3319.111 of the Revised Code as if it were a school district.

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

(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section.

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

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

(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;

(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;

(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;

(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:

(a) Prohibit the enrollment of students who reside outside the district in which the school is located;

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

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

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

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

(22) A provision recognizing both of the following:

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

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

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

(24) The school will comply with sections 3302.04 and 3302.041 of the Revised Code, except that any action required to be taken by a school district pursuant to those sections shall be taken by the sponsor of the school. However, the sponsor shall not be required to take any action described in division (F) of section 3302.04 of the Revised Code.

(25) Beginning in the 2006-2007 school year, the school will open for operation not later than the thirtieth day of September each school year, unless the mission of the school as specified under division (A)(2) of this section is solely to serve dropouts. In its initial year of operation, if the school fails to open by the thirtieth day of September, or within one year after the adoption of the contract pursuant to division (D) of section 3314.02 of the Revised Code if the mission of the school is solely to serve dropouts, the contract shall be void.

(26) Whether the school's governing authority is planning to seek designation for the school as a STEM school equivalent under section 3326.032 of the Revised Code.

(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:

(1) The process by which the governing authority of the school will be selected in the future;

(2) The management and administration of the school;

(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and

for teachers who choose not to teach in the school or building after conversion;

(4) The instructional program and educational philosophy of the school;

(5) Internal financial controls.

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for oversight and monitoring of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

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

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

(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;

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

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

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

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

(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of

the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code.

(F) If a community school fails to open for operation within one year after the contract entered into under this section is adopted pursuant to division (D) of section 3314.02 of the Revised Code or permanently closes prior to the expiration of the contract, the contract shall be void and the school shall not enter into a contract with any other sponsor. A school shall not be considered permanently closed because the operations of the school have been suspended pursuant to section 3314.072 of the Revised Code.

Sec. 3319.46. The state board of education shall adopt rules under Chapter 119. of the Revised Code that establish a policy and standards for the implementation of positive behavior intervention supports and the use of physical restraint or seclusion on students.

Each school district board of education shall comply with the policy and standards adopted by the state board under this section.

Sec. 3326.11. Each science, technology, engineering, and mathematics school established under this chapter and its governing body shall comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 3301.0714, 3301.0715, 3301.948, 3313.14, 3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 3313.50, 3313.536, 3313.539, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.21, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district.

Sec. 3328.24. A college-preparatory boarding school established under this chapter and its board of trustees shall comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 3301.0714, 3301.948, 3313.536, 3313.6013, 3313.6411, 3313.7112, 3313.89, 3319.39, ~~and~~ 3319.391, and 3319.46 and Chapter 3365. of the Revised Code as if the school were a school district and the school's board of trustees were a district board of education.

Sec. 3737.73. (A) No principal or person in charge of a public or private school or educational institution having an average daily attendance of twenty or more pupils, and no person in charge of any children's home or orphanage housing twenty or more minor persons, shall willfully neglect to instruct and train such children by means of drills or rapid dismissals, so that such children in a sudden emergency may leave the building in the shortest possible time without confusion. ~~The~~ Except as provided for in division (F) of this section, the principal or person in charge of a school or educational institution shall conduct drills or rapid dismissals at least ~~nine~~ six times during the school year, pursuant to division (E) of this section, which shall be at the times and frequency prescribed in rules adopted by the fire marshal. ~~However, no drill or rapid dismissal under this division need be conducted in any month that a school safety drill required under division (D) of this section is conducted as long as a total of nine drills or rapid dismissals under this division are conducted in the school year.~~ The principal or person in charge of a children's home or orphanage shall conduct drills or rapid dismissals at least once each month while the home is in operation. In the case of schools, no principal or person in charge of a school shall willfully neglect to keep the doors and exits of such building unlocked during school hours. The fire marshal may order the immediate installation of necessary fire gongs or signals in such schools, institutions, or children's homes and enforce this division and divisions (B) ~~and~~, (C)(3), and (F) of this section.

(B) In conjunction with the drills or rapid dismissals required by division (A) or (F) of this section, whichever is applicable, principals or persons in charge of public or private primary and secondary schools, or educational institutions, shall instruct pupils in safety precautions to be taken in case of a tornado alert or warning. Such principals or persons in charge of such schools or institutions shall designate, in accordance with standards prescribed by the fire marshal, appropriate locations to be used to shelter pupils in case of a tornado, tornado alert, or warning.

(C)(1) The fire marshal or the fire marshal's designee shall annually inspect each school, institution, home, or orphanage subject to division (A) or (F) of this section to determine compliance with ~~that~~ the applicable division, and each school or institution subject to division (B) of this section to ascertain whether the locations comply with the standards prescribed under that division. Nothing in this section shall require a school or institution to construct or improve a facility or location for use as a shelter area.

(2) The fire marshal or the fire marshal's designee shall issue a warning

to any person found in violation of division (A) ~~or,~~ (B), or (F) of this section. The warning shall indicate the specific violation and a date by which such violation shall be corrected.

(3) No person shall fail to correct violations by the date indicated on a warning issued under division (C)(2) of this section.

(D)(1) ~~On or before April 1, 2007, and on or before each first day of December thereafter, the~~ (a) The principal or person in charge of each public or private school or educational institution shall conduct ~~a~~ school safety ~~drill~~ drills at least three times during the school year, pursuant to division (E) of this section, to provide pupils with instruction in the procedures to follow in situations where pupils must be secured in the school building~~, such as~~ or rapidly evacuated in response to a threat to the school involving an act of terrorism; a person possessing a deadly weapon or dangerous ordnance, as defined in section 2923.11 of the Revised Code, on school property; or other act of violence. At least one safety drill shall include a scenario where pupils must be secured in the school building rather than rapidly evacuated.

Each safety drill shall be conducted in conjunction with the police chief or other similar chief law enforcement officer, or designee, of the municipal corporation, township, or township or joint police district in which the school or institution is located, or, in absence of any such person, the county sheriff of the county, or designee, in which the school or institution is located.

(b) In addition to the three safety drills described in division (D)(1)(a) of this section, the principal or person in charge shall conduct a theoretical school safety drill at least once during the school year to provide all faculty and staff employed by the school or institution with instruction in the procedures to follow in such situations. The theoretical drill does not need to include student participation and may be conducted at the annual training session required by division (D)(3) of this section.

(c) All safety drills required under division (D) of this section shall be conducted pursuant to the district's or school's emergency management plan adopted under section 3313.536 of the Revised Code.

(2)(a) The principal or person in charge of each public or private school or educational institution shall provide to the police chief or other similar chief law enforcement officer of the municipal corporation, township, or township or joint police district in which the school or institution is located, or, in absence of any such person, the county sheriff of the county in which the school or institution is located advance written notice of each school safety drill required under division (D)(1) of this section and shall keep a written record of the date and time of each drill conducted. The advance

notice shall be provided not later than seventy-two hours prior to the date the drill will be conducted and shall include the date and time the drill will be conducted and the address of the school or educational institution. The notice shall be provided by mail, facsimile, or electronic submission.

(b) Not later than ~~April 5, 2007, and not later than~~ the fifth day of December each year ~~thereafter~~, the principal or person in charge of each public or private school or educational institution shall provide written certification by mail, facsimile, or electronic submission of the date and time each school safety drill required under division (D)(1) of this section was conducted during the previous school year, as well as the date and time each drill will be conducted during the current school year, to the police chief or other similar chief law enforcement officer of the municipal corporation, township, or township or joint police district in which the school or institution is located, or, in the absence of any such person, the county sheriff of the county in which the school or institution is located. If such certification is not provided, the principal or person in charge of the school or institution shall be considered to have failed to ~~conduct the drill~~ meet this requirement and shall be subject to division (D)(4) of this section.

(3) The principal or person in charge of each public or private school or educational institution shall hold annual training sessions for employees of the school or institution regarding the conduct of school safety drills.

(4) The police chief or other similar chief law enforcement officer of a municipal corporation, township, or township or joint police district, or, in the absence of any such person, the county sheriff shall issue a warning to any person found in violation of division (D)(1) of this section. Each warning issued for a violation of division (D)(1) of this section shall require the principal or person in charge of the school or institution to correct the violation by conducting ~~the~~ a school safety drill not later than the thirtieth day after the date the warning is issued. The violation shall not be considered corrected unless, not later than forty days after the date the warning is issued, the principal or person in charge of the school or institution provides written certification of the date and time ~~the~~ this drill was conducted, as well as the date and time each remaining drill will be conducted during the current school year, to the police chief or other similar chief law enforcement officer or county sheriff who issued the warning.

(5) No person shall fail to correct violations by the date indicated on a warning issued under division (D)(4) of this section.

(E) The principal or person in charge of each public or private school or educational institution shall conduct at least one drill or rapid dismissal required under division (A) or (F) of this section, whichever is applicable, or

one school safety drill required under division (D) of this section during each month of the school year. However, the principal or person in charge may determine the exact date and time that each drill will be conducted. A drill or rapid dismissal under division (A) or (F) of this section may be conducted during the same month as a school safety drill under division (D) of this section.

(F) If a public or private school or educational institution does not currently have smoke detectors, as defined in section 3781.104 of the Revised Code, or a sprinkler system in all classroom buildings of the school, the principal or person in charge of the school or educational institution shall conduct drills or rapid dismissals at least nine times during the school year, pursuant to division (E) of this section, which shall be at the times and frequency prescribed in rules adopted by the fire marshal. At the discretion of the principal or person in charge of the school or institution, drills conducted under this division may be combined with drills conducted under division (D) of this section, so long as at least one drill conducted under that division provides pupils with instruction in the procedures to follow in situations where pupils must be secured in the school building rather than rapidly evacuated.

SECTION 2. That existing sections 3313.976, 3314.03, 3326.11, 3328.24, and 3737.73 of the Revised Code are hereby repealed.

SECTION 3. That Sections 263.10 and 263.230 of Am. Sub. H.B. 59 of the 130th General Assembly, as amended by Am. Sub. H.B. 483 of the 130th General Assembly, be amended to read as follows:

Sec. 263.10. EDU DEPARTMENT OF EDUCATION

General Revenue Fund

GRF 200321	Operating Expenses	$	13,142,780	$	13,142,780
GRF 200408	Early Childhood Education	$	33,318,341	$	45,318,341
GRF 200420	Information Technology Development and Support	$	4,241,296	$	4,241,296
GRF 200421	Alternative Education Programs	$	7,403,998	$	12,403,998
GRF 200422	School Management Assistance	$	3,000,000	$	3,000,000
GRF 200424	Policy Analysis	$	328,558	$	328,558
GRF 200425	Tech Prep Consortia Support	$	260,542	$	260,542
GRF 200426	Ohio Educational Computer Network	$	29,625,569	$	19,625,569
GRF 200427	Academic Standards	$	3,800,000	$	3,800,000
GRF 200437	Student Assessment	$	55,895,000	$	75,895,000
GRF 200439	Accountability/Report Cards	$	3,500,000	$	3,750,000

GRF	200442	Child Care Licensing	$ 827,140	$	827,140
GRF	200446	Education Management Information System	$ 6,833,070	$	6,833,070
GRF	200447	GED Testing	$ 879,551	$	879,551
GRF	200448	Educator Preparation	$ 1,136,737	$	1,564,237
GRF	200455	Community Schools and Choice Programs	$ 2,438,685	$	2,491,395
GRF	200464	General Technology Operations	$ 192,097	$	192,097
GRF	200465	Technology Integration and Professional Development	$ 1,778,879	$	1,778,879
GRF	200502	Pupil Transportation	$ 505,013,527	$	521,013,527
GRF	200505	School Lunch Match	$ 9,100,000	$	9,100,000
GRF	200511	Auxiliary Services	$ 130,499,457	$	138,214,374
GRF	200532	Nonpublic Administrative Cost Reimbursement	$ 58,951,750	$	62,436,882
GRF	200540	Special Education Enhancements	$ 156,871,292	$	157,871,292
GRF	200545	Career-Technical Education Enhancements	$ 9,372,999	$	9,372,999
GRF	200550	Foundation Funding	$ 5,808,098,389	$	~~6,151,463,768~~ 6,151,664,668
GRF	200566	Literacy Improvement	$ 150,000	$	150,000
GRF	200901	Property Tax Allocation - Education	$ 1,126,800,000	$	1,146,402,000
TOTAL GRF General Revenue Fund			$ 7,973,459,657	$	~~8,392,357,295~~ 8,392,558,195
General Services Fund Group					
1380	200606	Information Technology Development and Support	$ 6,850,090	$	6,850,090
4520	200638	Fees and Refunds	$ 500,000	$	500,000
4L20	200681	Teacher Certification and Licensure	$ 8,313,762	$	13,658,274
5960	200656	Ohio Career Information System	$ 529,761	$	529,761
5H30	200687	School District Solvency Assistance	$ 25,000,000	$	25,000,000
5JC0	200654	Adult Career Opportunity Pilot Program	$ 0	$	2,500,000
5KX0	200691	Ohio School Sponsorship Program	$ 487,419	$	487,419
5KY0	200693	Community Schools Temporary Sponsorship	$ 83,000	$	83,000
TOTAL GSF General Services Fund Group			$ 41,764,032	$	49,608,544
Federal Special Revenue Fund Group					
3090	200601	Neglected and Delinquent Education	$ 2,168,642	$	2,168,642
3670	200607	School Food Services	$ 8,200,664	$	8,700,149
3700	200624	Education of Exceptional Children	$ 1,530,000	$	1,530,000
3AF0	200603	Schools Medicaid Administrative Claims	$ 750,000	$	750,000

3AN0	200671	School Improvement Grants	$ 20,400,000	$ 20,400,000
3BK0	200628	Longitudinal Data Systems	$ 1,250,000	$ 0
3C50	200661	Early Childhood Education	$ 14,554,749	$ 14,554,749
3CG0	200646	Teacher Incentive	$ 15,125,588	$ 15,183,285
3D20	200667	Math Science Partnerships	$ 6,000,000	$ 6,000,000
3EC0	200653	Teacher Incentive - Federal Stimulus	$ 1,300,000	$ 0
3EH0	200620	Migrant Education	$ 2,900,000	$ 2,900,000
3EJ0	200622	Homeless Children Education	$ 2,600,000	$ 2,600,000
3EK0	200637	Advanced Placement	$ 450,000	$ 450,000
3EN0	200655	State Data Systems - Federal Stimulus	$ 1,250,000	$ 0
3FD0	200665	Race to the Top	$ 136,000,000	$ 58,074,046
3FN0	200672	Early Learning Challenge - Race to the Top	$ 7,040,000	$ 7,040,000
3GE0	200674	Summer Food Service Program	$ 13,596,000	$ 14,003,800
3GF0	200675	Miscellaneous Nutrition Grants	$ 700,000	$ 700,000
3GG0	200676	Fresh Fruit and Vegetable Program	$ 4,738,000	$ 4,880,140
3H90	200605	Head Start Collaboration Project	$ 225,000	$ 225,000
3L60	200617	Federal School Lunch	$ 350,608,075	$ 361,126,273
3L70	200618	Federal School Breakfast	$ 108,480,590	$ 112,819,813
3L80	200619	Child/Adult Food Programs	$ 106,992,650	$ 110,202,428
3L90	200621	Career-Technical Education Basic Grant	$ 44,663,900	$ 44,663,900
3M00	200623	ESEA Title 1A	$ 560,000,000	$ 560,000,000
3M20	200680	Individuals with Disabilities Education Act	$ 443,170,050	$ 443,170,050
3T40	200613	Public Charter Schools	$ 500,000	$ 0
3Y20	200688	21st Century Community Learning Centers	$ 48,201,810	$ 50,611,900
3Y60	200635	Improving Teacher Quality	$ 101,900,000	$ 101,900,000
3Y70	200689	English Language Acquisition	$ 9,700,000	$ 9,700,000
3Y80	200639	Rural and Low Income Technical Assistance	$ 3,300,000	$ 3,300,000
3Z20	200690	State Assessments	$ 11,800,000	$ 11,800,000
3Z30	200645	Consolidated Federal Grant Administration	$ 7,949,280	$ 7,949,280
TOTAL FED Federal Special Revenue Fund Group			$ 2,038,044,998	$ 1,977,403,455

State Special Revenue Fund Group

4540	200610	GED Testing	$ 1,050,000	$ 250,000
4550	200608	Commodity Foods	$ 24,000,000	$ 24,000,000
4R70	200695	Indirect Operational Support	$ 6,600,000	$ 6,600,000
4V70	200633	Interagency Program Support	$ 717,725	$ 717,725
5980	200659	Auxiliary Services Reimbursement	$ 1,328,910	$ 1,328,910
5BJ0	200626	Half-Mill Maintenance Equalization	$ 19,000,000	$ 20,000,000
5MM0	200677	Child Nutrition Refunds	$ 500,000	$ 500,000

5T30	200668	Gates Foundation Grants	$ 200,000	$ 153,000
5U20	200685	National Education Statistics	$ 300,000	$ 300,000
6200	200615	Educational Improvement Grants	$ 300,000	$ 300,000
TOTAL SSR State Special Revenue Fund Group			$ 53,996,635	$ 54,149,635
Lottery Profits Education Fund Group				
7017	200612	Foundation Funding	$ 775,500,000	$ 857,700,000
7017	200629	Career Advising and Mentoring	$ 0	$ 10,000,000
7017	200648	Straight A Fund	$ 100,000,000	$ 150,000,000
7017	200666	EdChoice Expansion	$ 3,800,000	$ 17,000,000
7017	200684	Community School Facilities	$ 7,500,000	$ 7,500,000
TOTAL LPE Lottery Profits Education Fund Group			$ 886,800,000	$ 1,042,200,000
Revenue Distribution Fund Group				
7047	200909	School District Property Tax Replacement-Business	$ 482,000,000	$ 482,000,000
7053	200900	School District Property Tax Replacement-Utility	$ 28,000,000	$ 28,000,000
TOTAL RDF Revenue Distribution Fund Group			$ 510,000,000	$ 510,000,000
TOTAL ALL BUDGET FUND GROUPS			$ 11,504,065,322	$ ~~12,025,718,929~~ 12,025,919,829

Sec. 263.230. FOUNDATION FUNDING

Of the foregoing appropriation item 200550, Foundation Funding, up to $675,000 in fiscal year 2014 shall be used to support the work of the College of Education and Human Ecology at the Ohio State University in reviewing and assessing the alignment of courses offered through the distance learning clearinghouse established in sections 3333.81 to 3333.88 of the Revised Code with the academic content standards adopted under division (A) of section 3301.079 of the Revised Code.

Of the foregoing appropriation item 200550, Foundation Funding, up to $40,000,000 in each fiscal year shall be used to provide additional state aid to school districts, joint vocational school districts, community schools, and STEM schools for special education students under division (C)(3) of section 3314.08, section 3317.0214, division (B) of section 3317.16, and section 3326.34 of the Revised Code, except that the Controlling Board may increase these amounts if presented with such a request from the Department of Education at the final meeting of the fiscal year.

Of the foregoing appropriation item 200550, Foundation Funding, up to $2,000,000 in each fiscal year shall be reserved for Youth Services tuition payments under section 3317.024 of the Revised Code.

Of the foregoing appropriation item 200550, Foundation Funding, up to $3,800,000 in each fiscal year shall be used to fund gifted education at educational service centers. The Department shall distribute the funding

through the unit-based funding methodology in place under division (L) of section 3317.024, division (E) of section 3317.05, and divisions (A), (B), and (C) of section 3317.053 of the Revised Code as they existed prior to fiscal year 2010.

Of the foregoing appropriation item 200550, Foundation Funding, up to $43,500,000 in fiscal year 2014 and up to $40,000,000 in fiscal year 2015 shall be reserved to fund the state reimbursement of educational service centers under the section of Am. Sub. H.B. 59 of the 130th General Assembly entitled "EDUCATIONAL SERVICE CENTERS FUNDING"; and up to $3,500,000 in each fiscal year shall be distributed to educational service centers for School Improvement Initiatives and, in consultation with the Governor's Director of 21st Century Education, for the provision of technical assistance as required by the Elementary and Secondary Education Act Flexibility waivers approved for Ohio by the United States Department of Education. Educational service centers shall be required to support districts in the development and implementation of their continuous improvement plans as required in section 3302.04 of the Revised Code and to provide technical assistance and support in accordance with Title I of the "No Child Left Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 6317, as administered pursuant to the Elementary and Secondary Education Act Flexibility waivers approved for Ohio by the United States Department of Education.

Of the foregoing appropriation item 200550, Foundation Funding, up to $20,000,000 in each fiscal year shall be reserved for payments under sections 3317.026, 3317.027, and 3317.028 of the Revised Code. If this amount is not sufficient, the Department of Education shall prorate the payment amounts so that the aggregate amount allocated in this paragraph is not exceeded.

Of the foregoing appropriation item 200550, Foundation Funding, up to $2,000,000 in each fiscal year shall be used to pay career-technical planning districts for the amounts reimbursed to students, as prescribed in this paragraph. Each career-technical planning district shall reimburse individuals taking the online General Educational Development (GED) test for the first time for application/test fees in excess of $40. Each career-technical planning district shall designate a site or sites where individuals may register and take the exam. For each individual that registers for the exam, the career-technical planning district shall make available and offer career counseling services, including information on adult education programs that are available. Any remaining funds in each fiscal year shall be reimbursed to the Department of Youth Services and the

Department of Rehabilitation and Correction for individuals in these facilities who have taken the GED for the first time. The amounts reimbursed shall not exceed the per-individual amounts reimbursed to other individuals under this section for each section of the GED.

Of the foregoing appropriation item 200550, Foundation Funding, up to $410,000 in each fiscal year shall be used to pay career-technical planning districts $500 for each student that receives a journeyman certification, as recognized by the United States Department of Labor.

Of the foregoing appropriation item 200550, Foundation Funding, up to $18,713,327 in fiscal year 2014 and up to $26,213,327 in fiscal year 2015 shall be used to support school choice programs.

Of the portion of the funds distributed to the Cleveland Municipal School District under this section, up to $11,901,887 in each fiscal year shall be used to operate the school choice program in the Cleveland Municipal School District under sections 3313.974 to 3313.979 of the Revised Code. Notwithstanding divisions (B) and (C) of section 3313.978 and division (C) of section 3313.979 of the Revised Code, up to $1,000,000 in each fiscal year of this amount shall be used by the Cleveland Municipal School District to provide tutorial assistance as provided in division (H) of section 3313.974 of the Revised Code. The Cleveland Municipal School District shall report the use of these funds in the district's three-year continuous improvement plan as described in section 3302.04 of the Revised Code in a manner approved by the Department of Education.

Of the foregoing appropriation item 200550, Foundation Funding, up to $2,000,000 in fiscal year 2015 shall be used to pay college-preparatory boarding schools the per pupil boarding amount pursuant to section 3328.34 of the Revised Code.

Of the foregoing appropriation item 200550, Foundation Funding, up to $500,000 in each fiscal year shall be used to support Jobs for Ohio's Graduates.

Of the foregoing appropriation item 200550, Foundation Funding, up to $250,000 in fiscal year 2015 may be used for payment of the Post-Secondary Enrollment Options Program for students instructed at home pursuant to section 3321.04 of the Revised Code.

Of the foregoing appropriation item 200550, Foundation Funding, up to $5,000,000 in fiscal year 2014 shall be used to reimburse school districts for the full amount deducted in that year under section 3310.55 of the Revised Code for Jon Peterson Scholarships awarded under sections 3310.51 to 3310.64 of the Revised Code to students who did not attend a public school in their resident district in the previous school year. If this amount is not

sufficient, the Department of Education shall prorate the payment amounts so that the aggregate amount appropriated in this paragraph is not exceeded.

Of the foregoing appropriation item 200550, Foundation Funding, an amount shall be available in each fiscal year to be paid to joint vocational school districts in accordance with division (A) of section 3317.16 of the Revised Code and the section of Am. Sub. H.B. 59 of the 130th General Assembly entitled "TEMPORARY TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS."

Of the foregoing appropriation item 200550, Foundation Funding, up to $700,000 in each fiscal year shall be used by the Department of Education for a program to pay for educational services for youth who have been assigned by a juvenile court or other authorized agency to any of the facilities described in division (A) of the section of Am. Sub. H.B. 59 of the 130th General Assembly entitled "PRIVATE TREATMENT FACILITY PROJECT."

Of the foregoing appropriation item 200550, Foundation Funding, up to $675,000 in fiscal year 2015 shall be used to provide grants on a competitive basis to public and chartered nonpublic schools for their participation in the electronic textbook pilot project. These funds shall be administered as provided under the section of Am. Sub. H.B. 59 of the 130th General Assembly entitled ELECTRONIC TEXTBOOK PILOT PROJECT.

Of the foregoing appropriation item 200550, Foundation Funding, up to $500,000 in fiscal year 2014 and up to $3,000,000 in fiscal year 2015 shall be used for the New Leaders for Ohio Schools Pilot Project in accordance with Section 733.40 of Am. Sub. H.B. 59 of the 130th General Assembly.

Of the foregoing appropriation item 200550, Foundation Funding, up to $200,900 in fiscal year 2015 shall be used by the Old Fort Local School District for reimbursement of classroom repairs, textbook purchases, and other associated costs attributed to the transfer of Bettsville Local School District after the closure of the district.

The remainder of appropriation item 200550, Foundation Funding, shall be used to distribute the amounts calculated for formula aid under section 3317.022 of the Revised Code and the section of Am. Sub. H.B. 59 of the 130th General Assembly entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS."

Appropriation items 200502, Pupil Transportation, 200540, Special Education Enhancements, and 200550, Foundation Funding, other than specific set-asides, are collectively used in each fiscal year to pay state formula aid obligations for school districts, community schools, STEM

schools, college preparatory boarding schools, and joint vocational school districts under Am. Sub. H.B. 59 of the 130th General Assembly. The first priority of these appropriation items, with the exception of specific set-asides, is to fund state formula aid obligations. It may be necessary to reallocate funds among these appropriation items or use excess funds from other general revenue fund appropriation items in the Department of Education's budget in each fiscal year, in order to meet state formula aid obligations. If it is determined that it is necessary to transfer funds among these appropriation items or to transfer funds from other General Revenue Fund appropriations in the Department of Education's budget to meet state formula aid obligations, the Department of Education shall seek approval from the Controlling Board to transfer funds as needed.

The Superintendent of Public Instruction shall make payments, transfers, and deductions, as authorized by Title XXXIII of the Revised Code and Sections 267.30.50, 267.30.53, 267.30.56, and 267.30.60 of Am. Sub. H.B. 153 of the 129th General Assembly, in amounts substantially equal to those made in the prior year, or otherwise, at the discretion of the Superintendent, until at least the effective date of the amendments and enactments made to Title XXXIII by Am. Sub. H.B. 59 of the 130th General Assembly. If a new school district, community school, or STEM school opens prior to the effective date of Am. Sub. H.B. 59 of the 130th General Assembly, the Department of Education shall pay to the district or school an amount of $5,000 per pupil, based upon the estimated number of students that the district or school is expected to serve. Any funds paid to districts or schools under this section shall be credited toward the annual funds calculated for the district or school after the changes made to Title XXXIII in Am. Sub. H.B. 59 of the 130th General Assembly are effective. Upon the effective date of changes made to Title XXXIII in Am. Sub. H.B. 59 of the 130th General Assembly, funds shall be calculated as an annual amount.

SECTION 4. That existing Sections 263.10 and 263.230 of Am. Sub. H.B. 59 of the 130th General Assembly, as amended by Am. Sub. H.B. 483 of the 130th General Assembly, are hereby repealed.

SECTION 5. Section 3314.03 of the Revised Code is presented in this act as a composite of the section as amended by Sub. H.B. 264, Sub. H.B. 362, Sub. H.B. 393, and Am. Sub. H.B. 487, all of the 130th General Assembly.

Sections 3326.11 and 3328.24 of the Revised Code are presented in this act as composites of the sections as amended by Sub. H.B. 264, Sub. H.B.

393, and Am. Sub. H.B. 487, all of the 130th General Assembly.

The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.

_____

Speaker _____ of the House of Representatives.

_____

President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

_____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

_____

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20____.

_____

Secretary of State.

File No. _____ Effective Date _____