

As Introduced

**131st General Assembly
Regular Session
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H. B. No. 570

Representative Hill

A BILL

To amend sections 3313.64, 3313.98, 3313.981, 1
3314.08, 3326.31, and 3326.33 of the Revised 2
Code regarding funding for students enrolled in 3
community schools, STEM schools, and other 4
districts through interdistrict open enrollment. 5

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

Section 1. That sections 3313.64, 3313.98, 3313.981, 6
3314.08, 3326.31, and 3326.33 of the Revised Code be amended to 7
read as follows: 8

Sec. 3313.64. (A) As used in this section and in section 9
3313.65 of the Revised Code: 10

(1) (a) Except as provided in division (A) (1) (b) of this 11
section, "parent" means either parent, unless the parents are 12
separated or divorced or their marriage has been dissolved or 13
annulled, in which case "parent" means the parent who is the 14
residential parent and legal custodian of the child. When a 15
child is in the legal custody of a government agency or a person 16
other than the child's natural or adoptive parent, "parent" 17
means the parent with residual parental rights, privileges, and 18
responsibilities. When a child is in the permanent custody of a 19

government agency or a person other than the child's natural or 20
adoptive parent, "parent" means the parent who was divested of 21
parental rights and responsibilities for the care of the child 22
and the right to have the child live with the parent and be the 23
legal custodian of the child and all residual parental rights, 24
privileges, and responsibilities. 25

(b) When a child is the subject of a power of attorney 26
executed under sections 3109.51 to 3109.62 of the Revised Code, 27
"parent" means the grandparent designated as attorney in fact 28
under the power of attorney. When a child is the subject of a 29
caretaker authorization affidavit executed under sections 30
3109.64 to 3109.73 of the Revised Code, "parent" means the 31
grandparent that executed the affidavit. 32

(2) "Legal custody," "permanent custody," and "residual 33
parental rights, privileges, and responsibilities" have the same 34
meanings as in section 2151.011 of the Revised Code. 35

(3) "School district" or "district" means a city, local, 36
or exempted village school district and excludes any school 37
operated in an institution maintained by the department of youth 38
services. 39

(4) Except as used in division (C)(2) of this section, 40
"home" means a home, institution, foster home, group home, or 41
other residential facility in this state that receives and cares 42
for children, to which any of the following applies: 43

(a) The home is licensed, certified, or approved for such 44
purpose by the state or is maintained by the department of youth 45
services. 46

(b) The home is operated by a person who is licensed, 47
certified, or approved by the state to operate the home for such 48

purpose.	49
(c) The home accepted the child through a placement by a person licensed, certified, or approved to place a child in such a home by the state.	50 51 52
(d) The home is a children's home created under section 5153.21 or 5153.36 of the Revised Code.	53 54
(5) "Agency" means all of the following:	55
(a) A public children services agency;	56
(b) An organization that holds a certificate issued by the Ohio department of job and family services in accordance with the requirements of section 5103.03 of the Revised Code and assumes temporary or permanent custody of children through commitment, agreement, or surrender, and places children in family homes for the purpose of adoption;	57 58 59 60 61 62
(c) Comparable agencies of other states or countries that have complied with applicable requirements of section 2151.39 of the Revised Code or as applicable, sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the Revised Code.	63 64 65 66
(6) A child is placed for adoption if either of the following occurs:	67 68
(a) An agency to which the child has been permanently committed or surrendered enters into an agreement with a person pursuant to section 5103.16 of the Revised Code for the care and adoption of the child.	69 70 71 72
(b) The child's natural parent places the child pursuant to section 5103.16 of the Revised Code with a person who will care for and adopt the child.	73 74 75

(7) "Preschool child with a disability" has the same meaning as in section 3323.01 of the Revised Code.	76 77
(8) "Child," unless otherwise indicated, includes preschool children with disabilities.	78 79
(9) "Active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code.	80 81 82 83
(B) Except as otherwise provided in section 3321.01 of the Revised Code for admittance to kindergarten and first grade, a child who is at least five but under twenty-two years of age and any preschool child with a disability shall be admitted to school as provided in this division.	84 85 86 87 88
(1) A child shall be admitted to the schools of the school district in which the child's parent resides.	89 90
(2) Except as provided in division (B) of section 2151.362 and section 3317.30 of the Revised Code, a child who does not reside in the district where the child's parent resides shall be admitted to the schools of the district in which the child resides if any of the following applies:	91 92 93 94 95
(a) The child is in the legal or permanent custody of a government agency or a person other than the child's natural or adoptive parent.	96 97 98
(b) The child resides in a home.	99
(c) The child requires special education.	100
(3) A child who is not entitled under division (B) (2) of this section to be admitted to the schools of the district where the child resides and who is residing with a resident of this	101 102 103

state with whom the child has been placed for adoption shall be 104
admitted to the schools of the district where the child resides 105
unless either of the following applies: 106

(a) The placement for adoption has been terminated. 107

(b) Another school district is required to admit the child 108
under division (B) (1) of this section. 109

Division (B) of this section does not prohibit the board 110
of education of a school district from placing a child with a 111
disability who resides in the district in a special education 112
program outside of the district or its schools in compliance 113
with Chapter 3323. of the Revised Code. 114

(C) A district shall not charge tuition for children 115
admitted under division (B) (1) or (3) of this section. If the 116
district admits a child under division (B) (2) of this section, 117
tuition shall be paid to the district that admits the child as 118
provided in divisions (C) (1) to (3) of this section, unless 119
division (C) (4) of this section applies to the child: 120

(1) If the child receives special education in accordance 121
with Chapter 3323. of the Revised Code, the school district of 122
residence, as defined in section 3323.01 of the Revised Code, 123
shall pay tuition for the child in accordance with section 124
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 125
regardless of who has custody of the child or whether the child 126
resides in a home. 127

(2) For a child that does not receive special education in 128
accordance with Chapter 3323. of the Revised Code, except as 129
otherwise provided in division (C) (2) (d) of this section, if the 130
child is in the permanent or legal custody of a government 131
agency or person other than the child's parent, tuition shall be 132

paid by:	133
(a) The district in which the child's parent resided at	134
the time the court removed the child from home or at the time	135
the court vested legal or permanent custody of the child in the	136
person or government agency, whichever occurred first;	137
(b) If the parent's residence at the time the court	138
removed the child from home or placed the child in the legal or	139
permanent custody of the person or government agency is unknown,	140
tuition shall be paid by the district in which the child resided	141
at the time the child was removed from home or placed in legal	142
or permanent custody, whichever occurred first;	143
(c) If a school district cannot be established under	144
division (C) (2) (a) or (b) of this section, tuition shall be paid	145
by the district determined as required by section 2151.362 of	146
the Revised Code by the court at the time it vests custody of	147
the child in the person or government agency;	148
(d) If at the time the court removed the child from home	149
or vested legal or permanent custody of the child in the person	150
or government agency, whichever occurred first, one parent was	151
in a residential or correctional facility or a juvenile	152
residential placement and the other parent, if living and not in	153
such a facility or placement, was not known to reside in this	154
state, tuition shall be paid by the district determined under	155
division (D) of section 3313.65 of the Revised Code as the	156
district required to pay any tuition while the parent was in	157
such facility or placement;	158
(e) If the department of education has determined,	159
pursuant to division (A) (2) of section 2151.362 of the Revised	160
Code, that a school district other than the one named in the	161

court's initial order, or in a prior determination of the 162
department, is responsible to bear the cost of educating the 163
child, the district so determined shall be responsible for that 164
cost. 165

(3) If the child is not in the permanent or legal custody 166
of a government agency or person other than the child's parent 167
and the child resides in a home, tuition shall be paid by one of 168
the following: 169

(a) The school district in which the child's parent 170
resides; 171

(b) If the child's parent is not a resident of this state, 172
the home in which the child resides. 173

(4) Division (C)(4) of this section applies to any child 174
who is admitted to a school district under division (B)(2) of 175
this section, resides in a home that is not a foster home, a 176
home maintained by the department of youth services, a detention 177
facility established under section 2152.41 of the Revised Code, 178
or a juvenile facility established under section 2151.65 of the 179
Revised Code, receives educational services at the home or 180
facility in which the child resides pursuant to a contract 181
between the home or facility and the school district providing 182
those services, and does not receive special education. 183

In the case of a child to which division (C)(4) of this 184
section applies, the total educational cost to be paid for the 185
child shall be determined by a formula approved by the 186
department of education, which formula shall be designed to 187
calculate a per diem cost for the educational services provided 188
to the child for each day the child is served and shall reflect 189
the total actual cost incurred in providing those services. The 190

department shall certify the total educational cost to be paid 191
for the child to both the school district providing the 192
educational services and, if different, the school district that 193
is responsible to pay tuition for the child. The department 194
shall deduct the certified amount from the state basic aid funds 195
payable under Chapter 3317. of the Revised Code to the district 196
responsible to pay tuition and shall pay that amount to the 197
district providing the educational services to the child. 198

(D) Tuition required to be paid under divisions (C) (2) and 199
(3) (a) of this section shall be computed in accordance with 200
section 3317.08 of the Revised Code. Tuition required to be paid 201
under division (C) (3) (b) of this section shall be computed in 202
accordance with section 3317.081 of the Revised Code. If a home 203
fails to pay the tuition required by division (C) (3) (b) of this 204
section, the board of education providing the education may 205
recover in a civil action the tuition and the expenses incurred 206
in prosecuting the action, including court costs and reasonable 207
attorney's fees. If the prosecuting attorney or city director of 208
law represents the board in such action, costs and reasonable 209
attorney's fees awarded by the court, based upon the prosecuting 210
attorney's, director's, or one of their designee's time spent 211
preparing and presenting the case, shall be deposited in the 212
county or city general fund. 213

(E) A board of education may enroll a child free of any 214
tuition obligation for a period not to exceed sixty days, on the 215
sworn statement of an adult resident of the district that the 216
resident has initiated legal proceedings for custody of the 217
child. 218

(F) In the case of any individual entitled to attend 219
school under this division, no tuition shall be charged by the 220

school district of attendance and no other school district shall 221
be required to pay tuition for the individual's attendance. 222
Notwithstanding division (B), (C), or (E) of this section: 223

(1) All persons at least eighteen but under twenty-two 224
years of age who live apart from their parents, support 225
themselves by their own labor, and have not successfully 226
completed the high school curriculum or the individualized 227
education program developed for the person by the high school 228
pursuant to section 3323.08 of the Revised Code, are entitled to 229
attend school in the district in which they reside. 230

(2) Any child under eighteen years of age who is married 231
is entitled to attend school in the child's district of 232
residence. 233

(3) A child is entitled to attend school in the district 234
in which either of the child's parents is employed if the child 235
has a medical condition that may require emergency medical 236
attention. The parent of a child entitled to attend school under 237
division (F)(3) of this section shall submit to the board of 238
education of the district in which the parent is employed a 239
statement from the child's physician certifying that the child's 240
medical condition may require emergency medical attention. The 241
statement shall be supported by such other evidence as the board 242
may require. 243

(4) Any child residing with a person other than the 244
child's parent is entitled, for a period not to exceed twelve 245
months, to attend school in the district in which that person 246
resides if the child's parent files an affidavit with the 247
superintendent of the district in which the person with whom the 248
child is living resides stating all of the following: 249

(a) That the parent is serving outside of the state in the armed services of the United States;	250 251
(b) That the parent intends to reside in the district upon returning to this state;	252 253
(c) The name and address of the person with whom the child is living while the parent is outside the state.	254 255
(5) Any child under the age of twenty-two years who, after the death of a parent, resides in a school district other than the district in which the child attended school at the time of the parent's death is entitled to continue to attend school in the district in which the child attended school at the time of the parent's death for the remainder of the school year, subject to approval of that district board.	256 257 258 259 260 261 262
(6) A child under the age of twenty-two years who resides with a parent who is having a new house built in a school district outside the district where the parent is residing is entitled to attend school for a period of time in the district where the new house is being built. In order to be entitled to such attendance, the parent shall provide the district superintendent with the following:	263 264 265 266 267 268 269
(a) A sworn statement explaining the situation, revealing the location of the house being built, and stating the parent's intention to reside there upon its completion;	270 271 272
(b) A statement from the builder confirming that a new house is being built for the parent and that the house is at the location indicated in the parent's statement.	273 274 275
(7) A child under the age of twenty-two years residing with a parent who has a contract to purchase a house in a school district outside the district where the parent is residing and	276 277 278

who is waiting upon the date of closing of the mortgage loan for 279
the purchase of such house is entitled to attend school for a 280
period of time in the district where the house is being 281
purchased. In order to be entitled to such attendance, the 282
parent shall provide the district superintendent with the 283
following: 284

(a) A sworn statement explaining the situation, revealing 285
the location of the house being purchased, and stating the 286
parent's intent to reside there; 287

(b) A statement from a real estate broker or bank officer 288
confirming that the parent has a contract to purchase the house, 289
that the parent is waiting upon the date of closing of the 290
mortgage loan, and that the house is at the location indicated 291
in the parent's statement. 292

The district superintendent shall establish a period of 293
time not to exceed ninety days during which the child entitled 294
to attend school under division (F) (6) or (7) of this section 295
may attend without tuition obligation. A student attending a 296
school under division (F) (6) or (7) of this section shall be 297
eligible to participate in interscholastic athletics under the 298
auspices of that school, provided the board of education of the 299
school district where the student's parent resides, by a formal 300
action, releases the student to participate in interscholastic 301
athletics at the school where the student is attending, and 302
provided the student receives any authorization required by a 303
public agency or private organization of which the school 304
district is a member exercising authority over interscholastic 305
sports. 306

(8) A child whose parent is a full-time employee of a 307
city, local, or exempted village school district, or of an 308

educational service center, may be admitted to the schools of 309
the district where the child's parent is employed, or in the 310
case of a child whose parent is employed by an educational 311
service center, in the district that serves the location where 312
the parent's job is primarily located, provided the district 313
board of education establishes such an admission policy by 314
resolution adopted by a majority of its members. Any such policy 315
shall take effect on the first day of the school year and the 316
effective date of any amendment or repeal may not be prior to 317
the first day of the subsequent school year. The policy shall be 318
uniformly applied to all such children and shall provide for the 319
admission of any such child upon request of the parent. No child 320
may be admitted under this policy after the first day of classes 321
of any school year. 322

(9) A child who is with the child's parent under the care 323
of a shelter for victims of domestic violence, as defined in 324
section 3113.33 of the Revised Code, is entitled to attend 325
school free in the district in which the child is with the 326
child's parent, and no other school district shall be required 327
to pay tuition for the child's attendance in that school 328
district. 329

The enrollment of a child in a school district under this 330
division shall not be denied due to a delay in the school 331
district's receipt of any records required under section 332
3313.672 of the Revised Code or any other records required for 333
enrollment. Any days of attendance and any credits earned by a 334
child while enrolled in a school district under this division 335
shall be transferred to and accepted by any school district in 336
which the child subsequently enrolls. The state board of 337
education shall adopt rules to ensure compliance with this 338
division. 339

(10) Any child under the age of twenty-two years whose parent has moved out of the school district after the commencement of classes in the child's senior year of high school is entitled, subject to the approval of that district board, to attend school in the district in which the child attended school at the time of the parental move for the remainder of the school year and for one additional semester or equivalent term. A district board may also adopt a policy specifying extenuating circumstances under which a student may continue to attend school under division (F)(10) of this section for an additional period of time in order to successfully complete the high school curriculum for the individualized education program developed for the student by the high school pursuant to section 3323.08 of the Revised Code.

(11) As used in this division, "grandparent" means a parent of a parent of a child. A child under the age of twenty-two years who is in the custody of the child's parent, resides with a grandparent, and does not require special education is entitled to attend the schools of the district in which the child's grandparent resides, provided that, prior to such attendance in any school year, the board of education of the school district in which the child's grandparent resides and the board of education of the school district in which the child's parent resides enter into a written agreement specifying that good cause exists for such attendance, describing the nature of this good cause, and consenting to such attendance.

In lieu of a consent form signed by a parent, a board of education may request the grandparent of a child attending school in the district in which the grandparent resides pursuant to division (F)(11) of this section to complete any consent form required by the district, including any authorization required

by sections 3313.712, 3313.713, 3313.716, and 3313.718 of the 371
Revised Code. Upon request, the grandparent shall complete any 372
consent form required by the district. A school district shall 373
not incur any liability solely because of its receipt of a 374
consent form from a grandparent in lieu of a parent. 375

Division (F) (11) of this section does not create, and 376
shall not be construed as creating, a new cause of action or 377
substantive legal right against a school district, a member of a 378
board of education, or an employee of a school district. This 379
section does not affect, and shall not be construed as 380
affecting, any immunities from defenses to tort liability 381
created or recognized by Chapter 2744. of the Revised Code for a 382
school district, member, or employee. 383

(12) A child under the age of twenty-two years is entitled 384
to attend school in a school district other than the district in 385
which the child is entitled to attend school under division (B), 386
(C), or (E) of this section provided that, prior to such 387
attendance in any school year, both of the following occur: 388

(a) The superintendent of the district in which the child 389
is entitled to attend school under division (B), (C), or (E) of 390
this section contacts the superintendent of another district for 391
purposes of this division; 392

(b) The superintendents of both districts enter into a 393
written agreement that consents to the attendance and specifies 394
that the purpose of such attendance is to protect the student's 395
physical or mental well-being or to deal with other extenuating 396
circumstances deemed appropriate by the superintendents. 397

While an agreement is in effect under this division for a 398
student who is not receiving special education under Chapter 399

3323. of the Revised Code and notwithstanding Chapter 3327. of 400
the Revised Code, the board of education of neither school 401
district involved in the agreement is required to provide 402
transportation for the student to and from the school where the 403
student attends. 404

A student attending a school of a district pursuant to 405
this division shall be allowed to participate in all student 406
activities, including interscholastic athletics, at the school 407
where the student is attending on the same basis as any student 408
who has always attended the schools of that district while of 409
compulsory school age. 410

(13) All school districts shall comply with the "McKinney- 411
Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et seq., for 412
the education of homeless children. Each city, local, and 413
exempted village school district shall comply with the 414
requirements of that act governing the provision of a free, 415
appropriate public education, including public preschool, to 416
each homeless child. 417

When a child loses permanent housing and becomes a 418
homeless person, as defined in 42 U.S.C.A. 11481(5), or when a 419
child who is such a homeless person changes temporary living 420
arrangements, the child's parent or guardian shall have the 421
option of enrolling the child in either of the following: 422

(a) The child's school of origin, as defined in 42 423
U.S.C.A. 11432(g) (3) (C); 424

(b) The school that is operated by the school district in 425
which the shelter where the child currently resides is located 426
and that serves the geographic area in which the shelter is 427
located. 428

(14) A child under the age of twenty-two years who resides 429
with a person other than the child's parent is entitled to 430
attend school in the school district in which that person 431
resides if both of the following apply: 432

(a) That person has been appointed, through a military 433
power of attorney executed under section 574(a) of the "National 434
Defense Authorization Act for Fiscal Year 1994," 107 Stat. 1674 435
(1993), 10 U.S.C. 1044b, or through a comparable document 436
necessary to complete a family care plan, as the parent's agent 437
for the care, custody, and control of the child while the parent 438
is on active duty as a member of the national guard or a reserve 439
unit of the armed forces of the United States or because the 440
parent is a member of the armed forces of the United States and 441
is on a duty assignment away from the parent's residence. 442

(b) The military power of attorney or comparable document 443
includes at least the authority to enroll the child in school. 444

The entitlement to attend school in the district in which 445
the parent's agent under the military power of attorney or 446
comparable document resides applies until the end of the school 447
year in which the military power of attorney or comparable 448
document expires. 449

(G) A board of education, after approving admission, may 450
waive tuition for students who will temporarily reside in the 451
district and who are either of the following: 452

(1) Residents or domiciliaries of a foreign nation who 453
request admission as foreign exchange students; 454

(2) Residents or domiciliaries of the United States but 455
not of Ohio who request admission as participants in an exchange 456
program operated by a student exchange organization. 457

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 458
3323.04, 3327.04, and 3327.06 of the Revised Code, a child may 459
attend school or participate in a special education program in a 460
school district other than in the district where the child is 461
entitled to attend school under division (B) of this section. 462

(I) (1) Notwithstanding anything to the contrary in this 463
section or section 3313.65 of the Revised Code, a child under 464
twenty-two years of age may attend school in the school district 465
in which the child, at the end of the first full week of October 466
of the school year, was entitled to attend school as otherwise 467
provided under this section or section 3313.65 of the Revised 468
Code, if at that time the child was enrolled in the schools of 469
the district but since that time the child or the child's parent 470
has relocated to a new address located outside of that school 471
district and within the same county as the child's or parent's 472
address immediately prior to the relocation. The child may 473
continue to attend school in the district, and at the school to 474
which the child was assigned at the end of the first full week 475
of October of the current school year, for the balance of the 476
school year. Division (I) (1) of this section applies only if 477
both of the following conditions are satisfied: 478

(a) The board of education of the school district in which 479
the child was entitled to attend school at the end of the first 480
full week in October and of the district to which the child or 481
child's parent has relocated each has adopted a policy to enroll 482
children described in division (I) (1) of this section. 483

(b) The child's parent provides written notification of 484
the relocation outside of the school district to the 485
superintendent of each of the two school districts. 486

(2) At the beginning of the school year following the 487

school year in which the child or the child's parent relocated 488
outside of the school district as described in division (I) (1) 489
of this section, the child is not entitled to attend school in 490
the school district under that division. 491

(3) Any person or entity owing tuition to the school 492
district on behalf of the child at the end of the first full 493
week in October, as provided in division (C) of this section, 494
shall continue to owe such tuition to the district for the 495
child's attendance under division (I) (1) of this section for the 496
lesser of the balance of the school year or the balance of the 497
time that the child attends school in the district under 498
division (I) (1) of this section. 499

(4) A pupil who may attend school in the district under 500
division (I) (1) of this section shall be entitled to 501
transportation services pursuant to an agreement between the 502
district and the district in which the child or child's parent 503
has relocated unless the districts have not entered into such 504
agreement, in which case the child shall be entitled to 505
transportation services in the same manner as a pupil attending 506
school in the district under interdistrict open enrollment as 507
described in division ~~(H)~~ (G) of section 3313.981 of the Revised 508
Code, regardless of whether the district has adopted an open 509
enrollment policy as described in division (B) (1) (b) or (c) of 510
section 3313.98 of the Revised Code. 511

(J) This division does not apply to a child receiving 512
special education. 513

A school district required to pay tuition pursuant to 514
division (C) (2) or (3) of this section or section 3313.65 of the 515
Revised Code shall have an amount deducted under division (C) of 516
section 3317.023 of the Revised Code equal to its own tuition 517

rate for the same period of attendance. A school district 518
entitled to receive tuition pursuant to division (C) (2) or (3) 519
of this section or section 3313.65 of the Revised Code shall 520
have an amount credited under division (C) of section 3317.023 521
of the Revised Code equal to its own tuition rate for the same 522
period of attendance. If the tuition rate credited to the 523
district of attendance exceeds the rate deducted from the 524
district required to pay tuition, the department of education 525
shall pay the district of attendance the difference from amounts 526
deducted from all districts' payments under division (C) of 527
section 3317.023 of the Revised Code but not credited to other 528
school districts under such division and from appropriations 529
made for such purpose. The treasurer of each school district 530
shall, by the fifteenth day of January and July, furnish the 531
superintendent of public instruction a report of the names of 532
each child who attended the district's schools under divisions 533
(C) (2) and (3) of this section or section 3313.65 of the Revised 534
Code during the preceding six calendar months, the duration of 535
the attendance of those children, the school district 536
responsible for tuition on behalf of the child, and any other 537
information that the superintendent requires. 538

Upon receipt of the report the superintendent, pursuant to 539
division (C) of section 3317.023 of the Revised Code, shall 540
deduct each district's tuition obligations under divisions (C) 541
(2) and (3) of this section or section 3313.65 of the Revised 542
Code and pay to the district of attendance that amount plus any 543
amount required to be paid by the state. 544

(K) In the event of a disagreement, the superintendent of 545
public instruction shall determine the school district in which 546
the parent resides. 547

(L) Nothing in this section requires or authorizes, or 548
shall be construed to require or authorize, the admission to a 549
public school in this state of a pupil who has been permanently 550
excluded from public school attendance by the superintendent of 551
public instruction pursuant to sections 3301.121 and 3313.662 of 552
the Revised Code. 553

(M) In accordance with division (B) (1) of this section, a 554
child whose parent is a member of the national guard or a 555
reserve unit of the armed forces of the United States and is 556
called to active duty, or a child whose parent is a member of 557
the armed forces of the United States and is ordered to a 558
temporary duty assignment outside of the district, may continue 559
to attend school in the district in which the child's parent 560
lived before being called to active duty or ordered to a 561
temporary duty assignment outside of the district, as long as 562
the child's parent continues to be a resident of that district, 563
and regardless of where the child lives as a result of the 564
parent's active duty status or temporary duty assignment. 565
However, the district is not responsible for providing 566
transportation for the child if the child lives outside of the 567
district as a result of the parent's active duty status or 568
temporary duty assignment. 569

Sec. 3313.98. Notwithstanding division (D) of section 570
3311.19 and division (D) of section 3311.52 of the Revised Code, 571
the provisions of this section and sections 3313.981 to 3313.983 572
of the Revised Code that apply to a city school district do not 573
apply to a joint vocational or cooperative education school 574
district unless expressly specified. 575

(A) As used in this section and sections 3313.981 to 576
3313.983 of the Revised Code: 577

(1) "Parent" means either of the natural or adoptive parents of a student, except under the following conditions:	578 579
(a) When the marriage of the natural or adoptive parents of the student has been terminated by a divorce, dissolution of marriage, or annulment or the natural or adoptive parents of the student are living separate and apart under a legal separation decree and the court has issued an order allocating the parental rights and responsibilities with respect to the student, "parent" means the residential parent as designated by the court except that "parent" means either parent when the court issues a shared parenting decree.	580 581 582 583 584 585 586 587 588
(b) When a court has granted temporary or permanent custody of the student to an individual or agency other than either of the natural or adoptive parents of the student, "parent" means the legal custodian of the child.	589 590 591 592
(c) When a court has appointed a guardian for the student, "parent" means the guardian of the student.	593 594
(2) " Native-Resident student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in a district adopting a resolution under this section.	595 596 597
(3) "Adjacent district" means a city, exempted village, or local school district having territory that abuts the territory of a district adopting a resolution under this section.	598 599 600
(4) "Adjacent district student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in an adjacent district.	601 602 603
(5) "Adjacent district joint vocational student" means an adjacent district student who enrolls in a city, exempted village, or local school district pursuant to this section and	604 605 606

who also enrolls in a joint vocational school district that does 607
not contain the territory of the student's resident district ~~for~~ 608
~~which that student is a native student~~ and does contain the 609
territory of the city, exempted village, or local district in 610
which the student enrolls. 611

(6) "Formula amount" has the same meaning as in section 612
3317.02 of the Revised Code. 613

(7) "Poverty line" means the poverty line established by 614
the director of the United States office of management and 615
budget as revised by the secretary of health and human services 616
in accordance with section 673(2) of the "Community Services 617
Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902, as amended. 618

(8) "IEP" has the same meaning as in section 3323.01 of 619
the Revised Code. 620

(9) "Other district" means a city, exempted village, or 621
local school district having territory outside of the territory 622
of a district adopting a resolution under this section. 623

(10) "Other district student" means a student entitled 624
under section 3313.64 or 3313.65 of the Revised Code to attend 625
school in an other district. 626

(11) "Other district joint vocational student" means a 627
student who is enrolled in any city, exempted village, or local 628
school district and who also enrolls in a joint vocational 629
school district that does not contain the territory of the 630
student's resident district ~~for which that student is a native~~ 631
~~student~~ in accordance with a policy adopted under section 632
3313.983 of the Revised Code. 633

(12) "Resident district" means the school district in 634
which a resident student is entitled to attend school under 635

section 3313.64 or 3313.65 of the Revised Code. 636

(13) "State share index" has the same meaning as in 637
section 3317.02 of the Revised Code. 638

(B) (1) The board of education of each city, local, and 639
exempted village school district shall adopt a resolution 640
establishing for the school district one of the following 641
policies: 642

(a) A policy that entirely prohibits the enrollment of 643
students from adjacent districts or other districts, other than 644
students for whom tuition is paid in accordance with section 645
3317.08 of the Revised Code; 646

(b) A policy that permits enrollment of students from all 647
adjacent districts in accordance with policy statements 648
contained in the resolution; 649

(c) A policy that permits enrollment of students from all 650
other districts in accordance with policy statements contained 651
in the resolution. 652

(2) A policy permitting enrollment of students from 653
adjacent or from other districts, as applicable, shall provide 654
for all of the following: 655

(a) Application procedures, including deadlines for 656
application and for notification of students and the 657
superintendent of the applicable district whenever an adjacent 658
or other district student's application is approved. 659

(b) Procedures for admitting adjacent or other district 660
applicants free of any tuition obligation to the district's 661
schools, including, but not limited to: 662

(i) The establishment of district capacity limits by grade 663

level, school building, and education program; 664

(ii) A requirement that all ~~native-resident~~ students 665
wishing to be enrolled in the district will be enrolled and that 666
any adjacent or other district students previously enrolled in 667
the district shall receive preference over first-time 668
applicants; 669

(iii) Procedures to ensure that an appropriate racial 670
balance is maintained in the district schools. 671

(C) Except as provided in section 3313.982 of the Revised 672
Code, the procedures for admitting adjacent or other district 673
students, as applicable, shall not include: 674

(1) Any requirement of academic ability, or any level of 675
athletic, artistic, or other extracurricular skills; 676

(2) Limitations on admitting applicants because of 677
disability, except that a board may refuse to admit a student 678
receiving services under Chapter 3323. of the Revised Code, if 679
the services described in the student's IEP are not available in 680
the district's schools; 681

(3) A requirement that the student be proficient in the 682
English language; 683

(4) Rejection of any applicant because the student has 684
been subject to disciplinary proceedings, except that if an 685
applicant has been suspended or expelled by the student's 686
district for ten consecutive days or more in the term for which 687
admission is sought or in the term immediately preceding the 688
term for which admission is sought, the procedures may include a 689
provision denying admission of such applicant. 690

(D) (1) Each school board permitting only enrollment of 691

adjacent district students shall provide information about the 692
policy adopted under this section, including the application 693
procedures and deadlines, to the superintendent and the board of 694
education of each adjacent district and, upon request, to the 695
parent of any adjacent district student. 696

(2) Each school board permitting enrollment of other 697
district students shall provide information about the policy 698
adopted under this section, including the application procedures 699
and deadlines, upon request, to the board of education of any 700
other school district or to the parent of any student anywhere 701
in the state. 702

(E) Any school board shall accept all credits toward 703
graduation earned in adjacent or other district schools by an 704
adjacent or other district student or a ~~native~~-resident student. 705

(F) (1) No board of education may adopt a policy 706
discouraging or prohibiting its ~~native~~-resident students from 707
applying to enroll in the schools of an adjacent or any other 708
district that has adopted a policy permitting such enrollment, 709
except that: 710

(a) A district may object to the enrollment of a ~~native~~-resident 711
resident student in an adjacent or other district in order to 712
maintain an appropriate racial balance. 713

(b) The board of education of a district receiving funds 714
under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, 715
may adopt a resolution objecting to the enrollment of its ~~native~~-resident 716
resident students in adjacent or other districts if at least ten 717
per cent of its students are included in the determination of 718
the United States secretary of education made under section 20 719
U.S.C.A. 238(a). 720

(2) If a board objects to enrollment of ~~native-resident~~ students under this division, any adjacent or other district shall refuse to enroll such ~~native-resident~~ students unless tuition is paid for the students in accordance with section 3317.08 of the Revised Code. An adjacent or other district enrolling such students may not receive funding for those students in accordance with section 3313.981 of the Revised Code.

(G) The state board of education shall monitor school districts to ensure compliance with this section and the districts' policies. The board may adopt rules requiring uniform application procedures, deadlines for application, notification procedures, and record-keeping requirements for all school boards that adopt policies permitting the enrollment of adjacent or other district students, as applicable. If the state board adopts such rules, no school board shall adopt a policy that conflicts with those rules.

(H) A resolution adopted by a board of education under this section that entirely prohibits the enrollment of students from adjacent and from other school districts does not abrogate any agreement entered into under section 3313.841 or 3313.92 of the Revised Code or any contract entered into under section 3313.90 of the Revised Code between the board of education adopting the resolution and the board of education of any adjacent or other district or prohibit these boards of education from entering into any such agreement or contract.

(I) Nothing in this section shall be construed to permit or require the board of education of a city, exempted village, or local school district to exclude any ~~native-resident~~ student of the district from enrolling in the district.

Sec. 3313.981. (A) The state board of education shall 751
adopt rules requiring all of the following: 752

(1) The board of education of each city, exempted village, 753
and local school district to annually report to the department 754
of education all of the following: 755

(a) The number of adjacent district or other district 756
students in grades kindergarten through twelve, as applicable, 757
the number of adjacent district or other district students who 758
are preschool children with disabilities, as applicable, and the 759
number of adjacent district or other district joint vocational 760
students, as applicable, enrolled in the district, in accordance 761
with a policy adopted under division (B) of section 3313.98 of 762
the Revised Code; 763

(b) The number of ~~native-resident~~ students in grades 764
kindergarten through twelve enrolled in adjacent or other 765
districts and the number of ~~native-resident~~ students who are 766
preschool children with disabilities enrolled in adjacent or 767
other districts, in accordance with a policy adopted under 768
division (B) of section 3313.98 of the Revised Code; 769

(c) Each adjacent district or other district student's or 770
adjacent district or other district joint vocational student's 771
date of enrollment in the district; 772

(d) The full-time equivalent number of adjacent district 773
or other district students enrolled in each of the categories of 774
career-technical education programs or classes described in 775
section 3317.014 of the Revised Code; 776

(e) Each ~~native-resident~~ student's date of enrollment in 777
an adjacent or other district. 778

(2) The board of education of each joint vocational school 779

district to annually report to the department all of the 780
following: 781

(a) The number of adjacent district or other district 782
joint vocational students, as applicable, enrolled in the 783
district; 784

(b) The full-time equivalent number of adjacent district 785
or other district joint vocational students enrolled in each 786
category of career-technical education programs or classes 787
described in section 3317.014 of the Revised Code; 788

(c) For each adjacent district or other district joint 789
vocational student, the city, exempted village, or local school 790
district in which the student is also enrolled. 791

(3) Prior to the end of each reporting period specified in 792
section 3317.03 of the Revised Code, the superintendent of each 793
city, local, or exempted village school district that admits 794
adjacent district or other district students who are in grades 795
kindergarten through twelve, adjacent district or other district 796
students who are preschool children with disabilities, or 797
adjacent district or other district joint vocational students in 798
accordance with a policy adopted under division (B) of section 799
3313.98 of the Revised Code to report to the department ~~of~~ 800
~~education~~ each adjacent or other district's students and where 801
those students who are enrolled in the superintendent's district 802
under the policy are entitled to attend school under section 803
3313.64 or 3313.65 of the Revised Code. 804

The rules shall provide for the method of counting 805
students who are enrolled for part of a school year in an 806
adjacent or other district or as an adjacent district or other 807
district joint vocational student. 808

~~(B) From the payments made to a city, exempted village, or local school district under Chapter 3317. of the Revised Code and, if necessary, from the payments made to the district under sections 321.24 and 323.156 of the Revised Code, the department of education shall annually subtract all of the following:~~ 809
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~~(1) An amount equal to the number of the district's native students in grades kindergarten through twelve reported under division (A) (1) of this section who are enrolled in adjacent or other school districts pursuant to policies adopted by such districts under division (B) of section 3313.98 of the Revised Code multiplied by the formula amount;~~ 814
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~~(2) The excess costs computed in accordance with division (E) of this section for any such native students in grades kindergarten through twelve receiving special education and related services in adjacent or other school districts or as an adjacent district or other district joint vocational student;~~ 820
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~~(3) For each of the district's native students reported under division (A) (1) (d) or (2) (b) of this section as enrolled in career technical education programs or classes described in section 3317.014 of the Revised Code, the per pupil amount prescribed by that section for the student's respective career technical category, on a full-time equivalency basis;~~ 825
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~~(4) For each native student who is a preschool child with a disability reported under division (A) (1) of this section who is enrolled in an adjacent or other district pursuant to policies adopted by such a district under division (B) of section 3313.98 of the Revised Code, \$4,000.~~ 831
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~~(C) To the payments made to~~ (1) For each adjacent district student or other district student enrolled in a city, exempted 836
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village, or local school district ~~under Chapter 3317. of the~~ 838
~~Revised Code who is not an adjacent district or other district~~ 839
~~joint vocational student,~~ the department ~~of education shall~~ 840
annually ~~add all~~ deduct from the payments made to the student's 841
resident district under Chapter 3317. of the Revised Code and, 842
if necessary, from the payments made to that district under 843
sections 321.24 and 323.156 of the Revised Code and pay to the 844
district in which the student is enrolled the sum of the 845
following: 846

~~(1) An amount equal to the~~ (a) The formula amount 847
multiplied by ~~the remainder obtained by subtracting the number~~ 848
~~of adjacent district or other district joint vocational students~~ 849
~~from the number of adjacent district or other district students~~ 850
~~in grades kindergarten through twelve enrolled in the district,~~ 851
~~as reported under division (A) (1) of this section~~ the state share 852
index of the student's resident district; 853

~~(2) The~~ (b) If the student is receiving special education 854
and related services in the district, the excess costs computed 855
in accordance with division ~~(E)~~ (D) of this section for ~~any~~ 856
~~adjacent district or other district students in grades~~ 857
~~kindergarten through twelve, except for any adjacent or other~~ 858
~~district joint vocational students, receiving special education~~ 859
~~and related services in the district~~ that student; 860

~~(3) For each of the adjacent or other district students~~ 861
~~who are not adjacent district or other district joint vocational~~ 862
~~students and are~~ (c) If the student is reported under division 863
(A) (1) (d) of this section as enrolled in career-technical 864
education programs or classes described in section 3317.014 of 865
the Revised Code, the per pupil amount prescribed by that 866
section for the student's respective career-technical education 867

category, on a full-time equivalency basis 868

~~(4) An amount equal to the number of adjacent district or other district joint vocational students reported under division (A)(1) of this section multiplied by, multiplied by the state share index of the student's resident district.~~ 869
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(2) For each adjacent district student or other district joint vocational student enrolled in a city, exempted village, or local school district, the department shall annually deduct from the payments made to the student's resident district under Chapter 3317. of the Revised Code and, if necessary, from the payments made to that district under sections 321.24 and 323.156 of the Revised Code and pay to the district in which the student is enrolled an amount equal to twenty per cent of the formula amount. 873
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~~(5)~~ (3) For each adjacent district or other district student who is a preschool child with a disability reported under division (A)(1) of this section who is enrolled in the district a city, exempted village, or local school district, the department shall annually deduct from the payments made to the student's resident district under Chapter 3317. of the Revised Code and, if necessary, from the payments made to that district under sections 321.24 and 323.156 of the Revised Code and pay to the district in which the student is enrolled an amount equal to \$4,000. 882
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~~(D) To the payments made to a joint vocational school district under Chapter 3317. of the Revised Code~~ 892
(C) For each adjacent district or district joint vocational student enrolled in a joint vocational school district, as reported under division (A)(2) of this section, the department of education shall add, for each adjacent district or other district joint 893
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~~vocational student reported under division (A) (2) of this~~ 898
~~section, both of deduct from the payments made to the student's~~ 899
~~resident district under Chapter 3317. of the Revised Code and,~~ 900
~~if necessary, from the payments made to that district under~~ 901
~~sections 321.24 and 323.156 of the Revised Code and pay to the~~ 902
~~joint vocational school district in which the student is~~ 903
~~enrolled the sum of the following:~~ 904

(1) The formula amount multiplied by the state share index 905
of the student's resident district; 906

(2) The per pupil amount ~~for each of the students reported~~ 907
~~pursuant to division (A) (2) (b) of this section prescribed by~~ 908
~~section 3317.014 of the Revised Code for the student's~~ 909
respective career-technical education category, on a full-time 910
equivalency basis, multiplied by the state share index of the 911
student's resident district. 912

~~(E)~~ (D) (1) A city, exempted village, or local school board 913
providing special education and related services to an adjacent 914
or other district student in grades kindergarten through twelve 915
in accordance with an IEP shall, pursuant to rules of the state 916
board, compute the excess costs to educate such student as 917
follows: 918

(a) Subtract the formula amount multiplied by the state 919
share index of the student's resident district from the actual 920
costs to educate the student; 921

(b) From the amount computed under division ~~(E)~~ (D) (1) (a) 922
of this section subtract the amount of any funds received by the 923
district under Chapter 3317. of the Revised Code to provide 924
special education and related services to the student. 925

(2) The board shall report the excess costs computed under 926

this division to the department ~~of education~~. 927

(3) If any student for whom excess costs are computed 928
under division ~~(E)~~(D) (1) of this section is an adjacent or other 929
district joint vocational student, the department ~~of education~~ 930
shall add the amount of such excess costs to the payments made 931
under Chapter 3317. of the Revised Code to the joint vocational 932
school district enrolling the student. 933

~~(F)~~(E) As provided in division (D) (1) (b) of section 934
3317.03 of the Revised Code, no joint vocational school district 935
shall count any adjacent or other district joint vocational 936
student enrolled in the district in its enrollment certified 937
under section 3317.03 of the Revised Code. 938

~~(G)~~(F) No city, exempted village, or local school 939
district shall receive a payment under division ~~(C)~~(B) of this 940
section for a student, and no joint vocational school district 941
shall receive a payment under division ~~(D)~~(C) of this section 942
for a student, if for the same school year that student is 943
counted in the district's enrollment certified under section 944
3317.03 of the Revised Code. 945

~~(H)~~(G) Upon request of a parent, and provided the board 946
offers transportation to ~~native-resident~~ students of the same 947
grade level and distance from school under section 3327.01 of 948
the Revised Code, a city, exempted village, or local school 949
board enrolling an adjacent or other district student shall 950
provide transportation for the student within the boundaries of 951
the board's district, except that the board shall be required to 952
pick up and drop off a nonhandicapped student only at a regular 953
school bus stop designated in accordance with the board's 954
transportation policy. Pursuant to rules of the state board of 955
education, such board may reimburse the parent from funds 956

received for pupil transportation under section 3317.0212 of the Revised Code, or other provisions of law, for the reasonable cost of transportation from the student's home to the designated school bus stop if the student's family has an income below the federal poverty line.

Sec. 3314.08. (A) As used in this section:

(1) (a) "Category one career-technical education student" means a student who is receiving the career-technical education services described in division (A) of section 3317.014 of the Revised Code.

(b) "Category two career-technical student" means a student who is receiving the career-technical education services described in division (B) of section 3317.014 of the Revised Code.

(c) "Category three career-technical student" means a student who is receiving the career-technical education services described in division (C) of section 3317.014 of the Revised Code.

(d) "Category four career-technical student" means a student who is receiving the career-technical education services described in division (D) of section 3317.014 of the Revised Code.

(e) "Category five career-technical education student" means a student who is receiving the career-technical education services described in division (E) of section 3317.014 of the Revised Code.

(2) (a) "Category one limited English proficient student" means a limited English proficient student described in division (A) of section 3317.016 of the Revised Code.

(b) "Category two limited English proficient student"	986
means a limited English proficient student described in division	987
(B) of section 3317.016 of the Revised Code.	988
(c) "Category three limited English proficient student"	989
means a limited English proficient student described in division	990
(C) of section 3317.016 of the Revised Code.	991
(3) (a) "Category one special education student" means a	992
student who is receiving special education services for a	993
disability specified in division (A) of section 3317.013 of the	994
Revised Code.	995
(b) "Category two special education student" means a	996
student who is receiving special education services for a	997
disability specified in division (B) of section 3317.013 of the	998
Revised Code.	999
(c) "Category three special education student" means a	1000
student who is receiving special education services for a	1001
disability specified in division (C) of section 3317.013 of the	1002
Revised Code.	1003
(d) "Category four special education student" means a	1004
student who is receiving special education services for a	1005
disability specified in division (D) of section 3317.013 of the	1006
Revised Code.	1007
(e) "Category five special education student" means a	1008
student who is receiving special education services for a	1009
disability specified in division (E) of section 3317.013 of the	1010
Revised Code.	1011
(f) "Category six special education student" means a	1012
student who is receiving special education services for a	1013
disability specified in division (F) of section 3317.013 of the	1014

Revised Code.	1015
(4) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.	1016 1017
(5) "IEP" has the same meaning as in section 3323.01 of the Revised Code.	1018 1019
(6) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.	1020 1021 1022
(7) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.	1023 1024
<u>(8) "State share index" has the same meaning as in section 3317.02 of the Revised Code.</u>	1025 1026
(B) The state board of education shall adopt rules requiring both of the following:	1027 1028
(1) The board of education of each city, exempted village, and local school district to annually report the number of students entitled to attend school in the district who are enrolled in each grade kindergarten through twelve in a community school established under this chapter, and for each child, the community school in which the child is enrolled.	1029 1030 1031 1032 1033 1034
(2) The governing authority of each community school established under this chapter to annually report all of the following:	1035 1036 1037
(a) The number of students enrolled in grades one through twelve and the full-time equivalent number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP;	1038 1039 1040 1041

(b) The number of enrolled students in grades one through	1042
twelve and the full-time equivalent number of enrolled students	1043
in kindergarten, who are receiving special education and related	1044
services pursuant to an IEP;	1045
(c) The number of students reported under division (B) (2)	1046
(b) of this section receiving special education and related	1047
services pursuant to an IEP for a disability described in each	1048
of divisions (A) to (F) of section 3317.013 of the Revised Code;	1049
(d) The full-time equivalent number of students reported	1050
under divisions (B) (2) (a) and (b) of this section who are	1051
enrolled in career-technical education programs or classes	1052
described in each of divisions (A) to (E) of section 3317.014 of	1053
the Revised Code that are provided by the community school;	1054
(e) The number of students reported under divisions (B) (2)	1055
(a) and (b) of this section who are not reported under division	1056
(B) (2) (d) of this section but who are enrolled in career-	1057
technical education programs or classes described in each of	1058
divisions (A) to (E) of section 3317.014 of the Revised Code at	1059
a joint vocational school district or another district in the	1060
career-technical planning district to which the school is	1061
assigned;	1062
(f) The number of students reported under divisions (B) (2)	1063
(a) and (b) of this section who are category one to three	1064
limited English proficient students described in each of	1065
divisions (A) to (C) of section 3317.016 of the Revised Code;	1066
(g) The number of students reported under divisions (B) (2)	1067
(a) and (b) who are economically disadvantaged, as defined by	1068
the department. A student shall not be categorically excluded	1069
from the number reported under division (B) (2) (g) of this	1070

section based on anything other than family income. 1071

(h) For each student, the city, exempted village, or local 1072
school district in which the student is entitled to attend 1073
school under section 3313.64 or 3313.65 of the Revised Code. 1074

(i) The number of students enrolled in a preschool program 1075
operated by the school that is licensed by the department of 1076
education under sections 3301.52 to 3301.59 of the Revised Code 1077
who are not receiving special education and related services 1078
pursuant to an IEP. 1079

A school district board and a community school governing 1080
authority shall include in their respective reports under 1081
division (B) of this section any child admitted in accordance 1082
with division (A) (2) of section 3321.01 of the Revised Code. 1083

A governing authority of a community school shall not 1084
include in its report under divisions (B) (2) (a) to (h) of this 1085
section any student for whom tuition is charged under division 1086
(F) of this section. 1087

(C) (1) Except as provided in division (C) (2) of this 1088
section, and subject to divisions (C) (3), (4), (5), (6), and (7) 1089
of this section, on a full-time equivalency basis, for each 1090
student enrolled in a community school established under this 1091
chapter, the department of education annually shall deduct from 1092
the state education aid of a student's resident district and, if 1093
necessary, from the payment made to the district under sections 1094
321.24 and 323.156 of the Revised Code and pay to the community 1095
school the sum of the following: 1096

(a) An opportunity grant in an amount equal to the formula 1097
amount X the state share index of the student's resident 1098
district; 1099

(b) The per pupil amount of targeted assistance funds 1100
calculated under division (A) of section 3317.0217 of the 1101
Revised Code for the student's resident district, as determined 1102
by the department, X 0.25; 1103

(c) Additional state aid for special education and related 1104
services provided under Chapter 3323. of the Revised Code as 1105
follows: 1106

(i) If the student is a category one special education 1107
student, the amount specified in division (A) of section 1108
3317.013 of the Revised Code X the state share index of the 1109
student's resident district; 1110

(ii) If the student is a category two special education 1111
student, the amount specified in division (B) of section 1112
3317.013 of the Revised Code X the state share index of the 1113
student's resident district; 1114

(iii) If the student is a category three special education 1115
student, the amount specified in division (C) of section 1116
3317.013 of the Revised Code X the state share index of the 1117
student's resident district; 1118

(iv) If the student is a category four special education 1119
student, the amount specified in division (D) of section 1120
3317.013 of the Revised Code X the state share index of the 1121
student's resident district; 1122

(v) If the student is a category five special education 1123
student, the amount specified in division (E) of section 1124
3317.013 of the Revised Code X the state share index of the 1125
student's resident district; 1126

(vi) If the student is a category six special education 1127
student, the amount specified in division (F) of section 1128

3317.013 of the Revised Code X the state share index of the 1129
student's resident district. 1130

(d) If the student is in kindergarten through third grade, 1131
an additional amount of \$305, in fiscal year 2016, and \$320, in 1132
fiscal year 2017; 1133

(e) If the student is economically disadvantaged, an 1134
additional amount equal to the following: 1135

\$272 X the resident district's economically disadvantaged 1136
index 1137

(f) Limited English proficiency funds as follows: 1138

(i) If the student is a category one limited English 1139
proficient student, the amount specified in division (A) of 1140
section 3317.016 of the Revised Code X the state share index of 1141
the student's resident district; 1142

(ii) If the student is a category two limited English 1143
proficient student, the amount specified in division (B) of 1144
section 3317.016 of the Revised Code X the state share index of 1145
the student's resident district; 1146

(iii) If the student is a category three limited English 1147
proficient student, the amount specified in division (C) of 1148
section 3317.016 of the Revised Code X the state share index of 1149
the student's resident district. 1150

(g) If the student is reported under division (B) (2) (d) of 1151
this section, career-technical education funds as follows: 1152

(i) If the student is a category one career-technical 1153
education student, the amount specified in division (A) of 1154
section 3317.014 of the Revised Code X the state share index of 1155
the student's resident district; 1156

(ii) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code X the state share index of the student's resident district;

(iii) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code X the state share index of the student's resident district;

(iv) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code X the state share index of the student's resident district;

(v) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code.

Deduction and payment of funds under division (C) (1) (g) of this section is subject to approval by the lead district of a career-technical planning district or the department of education under section 3317.161 of the Revised Code.

(2) When deducting from the state education aid of a student's resident district for students enrolled in an internet- or computer-based community school and making payments to such school under this section, the department shall make the deductions and payments described in only divisions (C) (1) (a), (c), and (g) of this section.

No deductions or payments shall be made for a student enrolled in such school under division (C) (1) (b), (d), (e), or (f) of this section.

(3) (a) If a community school's costs for a fiscal year for

a student receiving special education and related services 1186
pursuant to an IEP for a disability described in divisions (B) 1187
to (F) of section 3317.013 of the Revised Code exceed the 1188
threshold catastrophic cost for serving the student as specified 1189
in division (B) of section 3317.0214 of the Revised Code, the 1190
school may submit to the superintendent of public instruction 1191
documentation, as prescribed by the superintendent, of all its 1192
costs for that student. Upon submission of documentation for a 1193
student of the type and in the manner prescribed, the department 1194
shall pay to the community school an amount equal to the 1195
school's costs for the student in excess of the threshold 1196
catastrophic costs. 1197

(b) The community school shall report under division (C) 1198
(3) (a) of this section, and the department shall pay for, only 1199
the costs of educational expenses and the related services 1200
provided to the student in accordance with the student's 1201
individualized education program. Any legal fees, court costs, 1202
or other costs associated with any cause of action relating to 1203
the student may not be included in the amount. 1204

(4) In any fiscal year, a community school receiving funds 1205
under division (C) (1) (g) of this section shall spend those funds 1206
only for the purposes that the department designates as approved 1207
for career-technical education expenses. Career-technical 1208
education expenses approved by the department shall include only 1209
expenses connected to the delivery of career-technical 1210
programming to career-technical students. The department shall 1211
require the school to report data annually so that the 1212
department may monitor the school's compliance with the 1213
requirements regarding the manner in which funding received 1214
under division (C) (1) (g) of this section may be spent. 1215

(5) All funds received under division (C)(1)(g) of this section shall be spent in the following manner:

(a) At least seventy-five per cent of the funds shall be spent on curriculum development, purchase, and implementation; instructional resources and supplies; industry-based program certification; student assessment, credentialing, and placement; curriculum specific equipment purchases and leases; career-technical student organization fees and expenses; home and agency linkages; work-based learning experiences; professional development; and other costs directly associated with career-technical education programs including development of new programs.

(b) Not more than twenty-five per cent of the funds shall be used for personnel expenditures.

(6) A community school shall spend the funds it receives under division (C)(1)(e) of this section in accordance with section 3317.25 of the Revised Code.

(7) If the sum of the payments computed under divisions (C)(1) and (8)(a) of this section for the students entitled to attend school in a particular school district under sections 3313.64 and 3313.65 of the Revised Code exceeds the sum of that district's state education aid and its payment under sections 321.24 and 323.156 of the Revised Code, the department shall calculate and apply a proration factor to the payments to all community schools under that division for the students entitled to attend school in that district.

(8)(a) Subject to division (C)(7) of this section, the department annually shall pay to each community school, including each internet- or computer-based community school, an

amount equal to the following: 1245

(The number of students reported by the community school 1246
under division (B) (2) (e) of this section X the formula amount 1247
X.20) 1248

(b) For each payment made to a community school under 1249
division (C) (8) (a) of this section, the department shall deduct 1250
from the state education aid of each city, local, and exempted 1251
village school district and, if necessary, from the payment made 1252
to the district under sections 321.24 and 323.156 of the Revised 1253
Code an amount equal to the following: 1254

(The number of the district's students reported by the 1255
community school under division (B) (2) (e) of this section X the 1256
formula amount X.20) 1257

(D) A board of education sponsoring a community school may 1258
utilize local funds to make enhancement grants to the school or 1259
may agree, either as part of the contract or separately, to 1260
provide any specific services to the community school at no cost 1261
to the school. 1262

(E) A community school may not levy taxes or issue bonds 1263
secured by tax revenues. 1264

(F) No community school shall charge tuition for the 1265
enrollment of any student who is a resident of this state. A 1266
community school may charge tuition for the enrollment of any 1267
student who is not a resident of this state. 1268

(G) (1) (a) A community school may borrow money to pay any 1269
necessary and actual expenses of the school in anticipation of 1270
the receipt of any portion of the payments to be received by the 1271
school pursuant to division (C) of this section. The school may 1272
issue notes to evidence such borrowing. The proceeds of the 1273

notes shall be used only for the purposes for which the 1274
anticipated receipts may be lawfully expended by the school. 1275

(b) A school may also borrow money for a term not to 1276
exceed fifteen years for the purpose of acquiring facilities. 1277

(2) Except for any amount guaranteed under section 3318.50 1278
of the Revised Code, the state is not liable for debt incurred 1279
by the governing authority of a community school. 1280

(H) The department of education shall adjust the amounts 1281
subtracted and paid under division (C) of this section to 1282
reflect any enrollment of students in community schools for less 1283
than the equivalent of a full school year. The state board of 1284
education within ninety days after April 8, 2003, shall adopt in 1285
accordance with Chapter 119. of the Revised Code rules governing 1286
the payments to community schools under this section including 1287
initial payments in a school year and adjustments and reductions 1288
made in subsequent periodic payments to community schools and 1289
corresponding deductions from school district accounts as 1290
provided under division (C) of this section. For purposes of 1291
this section: 1292

(1) A student shall be considered enrolled in the 1293
community school for any portion of the school year the student 1294
is participating at a college under Chapter 3365. of the Revised 1295
Code. 1296

(2) A student shall be considered to be enrolled in a 1297
community school for the period of time beginning on the later 1298
of the date on which the school both has received documentation 1299
of the student's enrollment from a parent and the student has 1300
commenced participation in learning opportunities as defined in 1301
the contract with the sponsor, or thirty days prior to the date 1302

on which the student is entered into the education management 1303
information system established under section 3301.0714 of the 1304
Revised Code. For purposes of applying this division and 1305
divisions (H) (3) and (4) of this section to a community school 1306
student, "learning opportunities" shall be defined in the 1307
contract, which shall describe both classroom-based and non- 1308
classroom-based learning opportunities and shall be in 1309
compliance with criteria and documentation requirements for 1310
student participation which shall be established by the 1311
department. Any student's instruction time in non-classroom- 1312
based learning opportunities shall be certified by an employee 1313
of the community school. A student's enrollment shall be 1314
considered to cease on the date on which any of the following 1315
occur: 1316

(a) The community school receives documentation from a 1317
parent terminating enrollment of the student. 1318

(b) The community school is provided documentation of a 1319
student's enrollment in another public or private school. 1320

(c) The community school ceases to offer learning 1321
opportunities to the student pursuant to the terms of the 1322
contract with the sponsor or the operation of any provision of 1323
this chapter. 1324

Except as otherwise specified in this paragraph, beginning 1325
in the 2011-2012 school year, any student who completed the 1326
prior school year in an internet- or computer-based community 1327
school shall be considered to be enrolled in the same school in 1328
the subsequent school year until the student's enrollment has 1329
ceased as specified in division (H) (2) of this section. The 1330
department shall continue subtracting and paying amounts for the 1331
student under division (C) of this section without interruption 1332

at the start of the subsequent school year. However, if the 1333
student without a legitimate excuse fails to participate in the 1334
first one hundred five consecutive hours of learning 1335
opportunities offered to the student in that subsequent school 1336
year, the student shall be considered not to have re-enrolled in 1337
the school for that school year and the department shall 1338
recalculate the payments to the school for that school year to 1339
account for the fact that the student is not enrolled. 1340

(3) The department shall determine each community school 1341
student's percentage of full-time equivalency based on the 1342
percentage of learning opportunities offered by the community 1343
school to that student, reported either as number of hours or 1344
number of days, is of the total learning opportunities offered 1345
by the community school to a student who attends for the 1346
school's entire school year. However, no internet- or computer- 1347
based community school shall be credited for any time a student 1348
spends participating in learning opportunities beyond ten hours 1349
within any period of twenty-four consecutive hours. Whether it 1350
reports hours or days of learning opportunities, each community 1351
school shall offer not less than nine hundred twenty hours of 1352
learning opportunities during the school year. 1353

(4) With respect to the calculation of full-time 1354
equivalency under division (H) (3) of this section, the 1355
department shall waive the number of hours or days of learning 1356
opportunities not offered to a student because the community 1357
school was closed during the school year due to disease 1358
epidemic, hazardous weather conditions, law enforcement 1359
emergencies, inoperability of school buses or other equipment 1360
necessary to the school's operation, damage to a school 1361
building, or other temporary circumstances due to utility 1362
failure rendering the school building unfit for school use, so 1363

long as the school was actually open for instruction with 1364
students in attendance during that school year for not less than 1365
the minimum number of hours required by this chapter. The 1366
department shall treat the school as if it were open for 1367
instruction with students in attendance during the hours or days 1368
waived under this division. 1369

(I) The department of education shall reduce the amounts 1370
paid under this section to reflect payments made to colleges 1371
under section 3365.07 of the Revised Code. 1372

(J) (1) No student shall be considered enrolled in any 1373
internet- or computer-based community school or, if applicable 1374
to the student, in any community school that is required to 1375
provide the student with a computer pursuant to division (C) of 1376
section 3314.22 of the Revised Code, unless both of the 1377
following conditions are satisfied: 1378

(a) The student possesses or has been provided with all 1379
required hardware and software materials and all such materials 1380
are operational so that the student is capable of fully 1381
participating in the learning opportunities specified in the 1382
contract between the school and the school's sponsor as required 1383
by division (A) (23) of section 3314.03 of the Revised Code; 1384

(b) The school is in compliance with division (A) of 1385
section 3314.22 of the Revised Code, relative to such student. 1386

(2) In accordance with policies adopted jointly by the 1387
superintendent of public instruction and the auditor of state, 1388
the department shall reduce the amounts otherwise payable under 1389
division (C) of this section to any community school that 1390
includes in its program the provision of computer hardware and 1391
software materials to any student, if such hardware and software 1392

materials have not been delivered, installed, and activated for 1393
each such student in a timely manner or other educational 1394
materials or services have not been provided according to the 1395
contract between the individual community school and its 1396
sponsor. 1397

The superintendent of public instruction and the auditor 1398
of state shall jointly establish a method for auditing any 1399
community school to which this division pertains to ensure 1400
compliance with this section. 1401

The superintendent, auditor of state, and the governor 1402
shall jointly make recommendations to the general assembly for 1403
legislative changes that may be required to assure fiscal and 1404
academic accountability for such schools. 1405

(K) (1) If the department determines that a review of a 1406
community school's enrollment is necessary, such review shall be 1407
completed and written notice of the findings shall be provided 1408
to the governing authority of the community school and its 1409
sponsor within ninety days of the end of the community school's 1410
fiscal year, unless extended for a period not to exceed thirty 1411
additional days for one of the following reasons: 1412

(a) The department and the community school mutually agree 1413
to the extension. 1414

(b) Delays in data submission caused by either a community 1415
school or its sponsor. 1416

(2) If the review results in a finding that additional 1417
funding is owed to the school, such payment shall be made within 1418
thirty days of the written notice. If the review results in a 1419
finding that the community school owes moneys to the state, the 1420
following procedure shall apply: 1421

(a) Within ten business days of the receipt of the notice of findings, the community school may appeal the department's determination to the state board of education or its designee.

(b) The board or its designee shall conduct an informal hearing on the matter within thirty days of receipt of such an appeal and shall issue a decision within fifteen days of the conclusion of the hearing.

(c) If the board has enlisted a designee to conduct the hearing, the designee shall certify its decision to the board. The board may accept the decision of the designee or may reject the decision of the designee and issue its own decision on the matter.

(d) Any decision made by the board under this division is final.

(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the superintendent of public instruction.

(L) The department shall not subtract from a school district's state aid account and shall not pay to a community school under division (C) of this section any amount for any of the following:

(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any student who is not a resident of the state;

(3) Any student who was enrolled in the community school during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did

not take one or more of the assessments required by that section 1450
and was not excused pursuant to division (C) (1) or (3) of that 1451
section, unless the superintendent of public instruction grants 1452
the student a waiver from the requirement to take the assessment 1453
and a parent is not paying tuition for the student pursuant to 1454
section 3314.26 of the Revised Code. The superintendent may 1455
grant a waiver only for good cause in accordance with rules 1456
adopted by the state board of education. 1457

(4) Any student who has attained the age of twenty-two 1458
years, except for veterans of the armed services whose 1459
attendance was interrupted before completing the recognized 1460
twelve-year course of the public schools by reason of induction 1461
or enlistment in the armed forces and who apply for enrollment 1462
in a community school not later than four years after 1463
termination of war or their honorable discharge. If, however, 1464
any such veteran elects to enroll in special courses organized 1465
for veterans for whom tuition is paid under federal law, or 1466
otherwise, the department shall not subtract from a school 1467
district's state aid account and shall not pay to a community 1468
school under division (C) of this section any amount for that 1469
veteran. 1470

Sec. 3326.31. As used in sections 3326.31 to 3326.50 of 1471
the Revised Code: 1472

(A) (1) "Category one career-technical education student" 1473
means a student who is receiving the career-technical education 1474
services described in division (A) of section 3317.014 of the 1475
Revised Code. 1476

(2) "Category two career-technical student" means a 1477
student who is receiving the career-technical education services 1478
described in division (B) of section 3317.014 of the Revised 1479

Code.	1480
(3) "Category three career-technical student" means a	1481
student who is receiving the career-technical education services	1482
described in division (C) of section 3317.014 of the Revised	1483
Code.	1484
(4) "Category four career-technical student" means a	1485
student who is receiving the career-technical education services	1486
described in division (D) of section 3317.014 of the Revised	1487
Code.	1488
(5) "Category five career-technical education student"	1489
means a student who is receiving the career-technical education	1490
services described in division (E) of section 3317.014 of the	1491
Revised Code.	1492
(B)(1) "Category one limited English proficient student"	1493
means a limited English proficient student described in division	1494
(A) of section 3317.016 of the Revised Code.	1495
(2) "Category two limited English proficient student"	1496
means a limited English proficient student described in division	1497
(B) of section 3317.016 of the Revised Code.	1498
(3) "Category three limited English proficient student"	1499
means a limited English proficient student described in division	1500
(C) of section 3317.016 of the Revised Code.	1501
(C)(1) "Category one special education student" means a	1502
student who is receiving special education services for a	1503
disability specified in division (A) of section 3317.013 of the	1504
Revised Code.	1505
(2) "Category two special education student" means a	1506
student who is receiving special education services for a	1507

disability specified in division (B) of section 3317.013 of the Revised Code. 1508
1509

(3) "Category three special education student" means a student who is receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code. 1510
1511
1512
1513

(4) "Category four special education student" means a student who is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code. 1514
1515
1516
1517

(5) "Category five special education student" means a student who is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code. 1518
1519
1520
1521

(6) "Category six special education student" means a student who is receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code. 1522
1523
1524
1525

(D) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code. 1526
1527

(E) "IEP" means an individualized education program as defined in section 3323.01 of the Revised Code. 1528
1529

(F) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 1530
1531
1532

(G) "State education aid" has the same meaning as in section 5751.20 of the Revised Code. 1533
1534

(H) "State share index" has the same meaning as in section 1535

3317.02 of the Revised Code. 1536

Sec. 3326.33. For each student enrolled in a science, 1537
technology, engineering, and mathematics school established 1538
under this chapter, on a full-time equivalency basis, the 1539
department of education annually shall deduct from the state 1540
education aid of a student's resident school district and, if 1541
necessary, from the payment made to the district under sections 1542
321.24 and 323.156 of the Revised Code and pay to the school the 1543
sum of the following: 1544

(A) An opportunity grant in an amount equal to the formula 1545
amount X the state share index of the student's resident 1546
district; 1547

(B) The per pupil amount of targeted assistance funds 1548
calculated under division (A) of section 3317.0217 of the 1549
Revised Code for the student's resident district, as determined 1550
by the department, X 0.25; 1551

(C) Additional state aid for special education and related 1552
services provided under Chapter 3323. of the Revised Code as 1553
follows: 1554

(1) If the student is a category one special education 1555
student, the amount specified in division (A) of section 1556
3317.013 of the Revised Code X the state share index of the 1557
student's resident district; 1558

(2) If the student is a category two special education 1559
student, the amount specified in division (B) of section 1560
3317.013 of the Revised Code X the state share index of the 1561
student's resident district; 1562

(3) If the student is a category three special education 1563
student, the amount specified in division (C) of section 1564

3317.013 of the Revised Code <u>X the state share index of the</u>	1565
<u>student's resident district;</u>	1566
(4) If the student is a category four special education	1567
student, the amount specified in division (D) of section	1568
3317.013 of the Revised Code <u>X the state share index of the</u>	1569
<u>student's resident district;</u>	1570
(5) If the student is a category five special education	1571
student, the amount specified in division (E) of section	1572
3317.013 of the Revised Code <u>X the state share index of the</u>	1573
<u>student's resident district;</u>	1574
(6) If the student is a category six special education	1575
student, the amount specified in division (F) of section	1576
3317.013 of the Revised Code <u>X the state share index of the</u>	1577
<u>student's resident district.</u>	1578
(D) If the student is in kindergarten through third grade,	1579
\$305, in fiscal year 2016, or \$320, in fiscal year 2017;	1580
(E) If the student is economically disadvantaged, an	1581
amount equal to the following:	1582
\$272 X the resident district's economically disadvantaged	1583
index	1584
(F) Limited English proficiency funds, as follows:	1585
(1) If the student is a category one limited English	1586
proficient student, the amount specified in division (A) of	1587
section 3317.016 of the Revised Code <u>X the state share index of</u>	1588
<u>the student's resident district;</u>	1589
(2) If the student is a category two limited English	1590
proficient student, the amount specified in division (B) of	1591
section 3317.016 of the Revised Code <u>X the state share index of</u>	1592

<u>the student's resident district;</u>	1593
(3) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code <u>X the state share index of the student's resident district.</u>	1594 1595 1596 1597
(G) Career-technical education funds as follows:	1598
(1) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code <u>X the state share index of the student's resident district;</u>	1599 1600 1601 1602
(2) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code <u>X the state share index of the student's resident district;</u>	1603 1604 1605 1606
(3) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code <u>X the state share index of the student's resident district;</u>	1607 1608 1609 1610
(4) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code <u>X the state share index of the student's resident district;</u>	1611 1612 1613 1614
(5) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code <u>X the state share index of the student's resident district.</u>	1615 1616 1617 1618
Deduction and payment of funds under division (G) of this section is subject to approval under section 3317.161 of the	1619 1620

Revised Code.	1621
Section 2. That existing sections 3313.64, 3313.98,	1622
3313.981, 3314.08, 3326.31, and 3326.33 of the Revised Code are	1623
hereby repealed.	1624