

As Introduced

136th General Assembly

Regular Session

2025-2026

H. B. No. 800

Representatives Lett, Robinson

**Cosponsors: Representatives Abdullahi, Baker, Brennan, Brent, Brownlee, Bryant
Bailey, Cockley, Glassburn, Grim, Hall, D., Humphrey, Isaacsohn, Jarrells,
Lawson-Rowe, McNally, Miller, J., Mohamed, Piccolantonio, Rader, Rogers,
Russo, Sigrist, Sims, Somani, Synenberg, Sweeney, Thomas, C., Tims, Troy,
Upchurch, White, E.**

To amend sections 3301.50, 3301.53, 3301.54, 1
3301.56, 3313.48, 3313.64, 3313.646, 3313.842, 2
3313.98, 3313.981, 3314.03, 3314.08, 3317.011, 3
3317.0110, 3317.02, 3317.0213, 3317.03, 3321.01, 4
3321.05, 3323.02, 5753.021, and 5753.031 and to 5
enact sections 3301.542, 3301.591, 3301.592, 6
3313.6415, and 3317.083 of the Revised Code to 7
increase the rate of the sports gaming tax on 8
certain operators, to require all-day 9
kindergarten, to establish universal preschool 10
programs, and to name this act the Preschool for 11
All Act. 12

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

Section 1. That sections 5753.021 and 5753.031 be amended 13
and sections 3301.591 and 3301.592 of the Revised Code be 14
enacted to read as follows: 15

Sec. 3301.591. (A) The department of education and 16
workforce shall conduct a survey of, and hold stakeholder 17

<u>meetings with, each city, local, and exempted village school</u>	18
<u>district regarding the implementation of preschool programs and</u>	19
<u>all-day kindergarten on and after July 1, 2031. The survey shall</u>	20
<u>solicit input from districts about the structural challenges or</u>	21
<u>issues districts must address to facilitate that implementation.</u>	22
<u>The survey shall request information about all of the following:</u>	23
<u>(1) Classroom and school building capacity;</u>	24
<u>(2) Teacher and staff shortages and extended hours;</u>	25
<u>(3) Teacher and staff professional development and</u>	26
<u>standards;</u>	27
<u>(4) Transportation;</u>	28
<u>(5) Time and cost burden estimates for the implementation;</u>	29
<u>(6) Any other potential issues related to the new programs</u>	30
<u>and requirements.</u>	31
<u>(B) In addition to the requirements under division (A) of</u>	32
<u>this section, the department of education and workforce shall</u>	33
<u>solicit information, in a form and manner determined by the</u>	34
<u>department, about the statewide implementation of preschool</u>	35
<u>programs and all-day kindergarten from all of the following:</u>	36
<u>(1) The Ohio federation of teachers;</u>	37
<u>(2) The Ohio education association;</u>	38
<u>(3) The Ohio school boards association;</u>	39
<u>(4) The buckeye association of school administrators;</u>	40
<u>(5) The Ohio association of school business officials;</u>	41
<u>(6) The Ohio association of elementary school</u>	42
<u>administrators;</u>	43

(7) The Ohio association of secondary school administrators. 44
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(C) The department of education and workforce shall complete its responsibilities under divisions (A) and (B) of this section not later than February 1, 2027. The department of education and workforce shall share all the survey data and information from the stakeholder outreach required under divisions (A) and (B) of this section with the department of children and youth once that department is established. The department of education and workforce shall invite the department of children and youth to participate in any stakeholder meetings it conducts as part of that outreach. 46
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(D) Not later than February 15, 2027, the department of education and workforce shall prepare a report regarding the findings of the stakeholder outreach required under divisions (A) and (B) of this section. The department of education and workforce shall submit to the legislative service commission the report and the unfiltered survey data and information provided by stakeholders. 56
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(E) Not later than March 15, 2027, the legislative service commission shall do all of the following: 63
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(1) Prepare a report that describes the law and estimated costs associated with implementing preschool programs and all-day kindergarten on and after July 1, 2031; 65
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(2) Conduct a public presentation regarding the report prescribed under this division to each of the following: 68
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(a) The finance committee of the house of representatives; 70

(b) The standing committee of the house of representatives that considers primary and secondary education legislation; 71
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<u>(c) The finance committee of the senate;</u>	73
<u>(d) The standing committee of the senate that considers primary and secondary education legislation;</u>	74 75
<u>(e) The state board of education.</u>	76
<u>(3) Transmit the report prescribed under this division to all of the following:</u>	77 78
<u>(a) The governor;</u>	79
<u>(b) The office of budget and management;</u>	80
<u>(c) The facilities construction commission.</u>	81
<u>(F) It is the intent of the general assembly to provide one-time funding to school districts in the main operating and capital budgets of the 136th general assembly for the purposes of implementing preschool programs and all-day kindergarten on and after July 1, 2031. It is the intent of the general assembly, if funding is provided, to establish a method to distribute that one-time funding outside of the distribution of state core foundation funding under Chapter 3317. of the Revised Code. The general assembly shall consider providing a total amount of the funding that is not less than the cost estimate included in the legislative service commission's report under division (E) of this section. If the total amount of funding is less than that cost estimate, the speaker of the house of representatives, the president of the senate, and the governor shall issue a public statement regarding why the total amount of funding was not provided.</u>	82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97
<u>Sec. 3301.592.</u> (A) <u>A city, local, or exempted village school district may submit to the department of education and workforce a request for a waiver from complying with the</u>	98 99 100

preschool and all-day kindergarten requirements in Chapters 101
3301., 3313., 3314., 3317., 3321., and 3323. of the Revised Code 102
scheduled to take effect in the 2031-2032 school year. 103

(B) A request for a waiver shall be submitted not later 104
than the first day of February prior to the school year for 105
which the district is seeking the waiver. Prior to submitting 106
the request, the district's board of education shall hold a 107
public hearing on the issue and adopt a resolution requesting 108
the waiver. 109

(C) (1) Within thirty days after receiving a request under 110
division (B) of this section, the department shall approve or 111
disapprove the request and notify the district. 112

(2) If the department disapproves a waiver request, the 113
district may appeal the decision within 15 days after receiving 114
notice of the waiver's denial. The appeal shall be made to the 115
state board of education. 116

(D) Within fifteen days after receiving the appeal request 117
under division (C) (2) of this section, the state board shall 118
conduct a public hearing regarding the appeal. At that public 119
hearing, the district superintendent and the deputy director of 120
primary and secondary education shall each make a presentation 121
to the state board regarding the disapproval and the state board 122
shall vote on whether to approve or disapprove the appeal. If a 123
majority of the members of the state board vote in favor of the 124
appeal, the waiver is approved, notwithstanding the department's 125
denial under division (C) of this section. 126

(E) A district that has a waiver approved under this 127
section may request an extension of that waiver to the 2032-2033 128
school year. A district that has a waiver extended to the 2032- 129

2033 school year may request an additional extension of that 130
waiver to the 2033-2034 school year. The procedure for 131
requesting a waiver extension is the same as the procedure for 132
requesting an initial waiver. 133

(F) Notwithstanding anything in the Revised Code to the 134
contrary, a school district that has a waiver or waiver 135
extension approved under this section shall provide and 136
administer kindergarten and preschool instruction in the same 137
manner as that instruction was required to be provided on June 138
30, 2031. 139

(G) Beginning with the 2033-2034 school year and each 140
school year thereafter, the department shall cease granting 141
waivers under this section. 142

Sec. 5753.021. (A) For the purposes of funding the 143
education needs of this state, funding efforts to alleviate 144
problem sports gaming, and defraying the costs of enforcing and 145
administering the law governing sports gaming and the tax levied 146
by this section, a tax is hereby levied on the sports gaming 147
receipts ~~of received by~~ a sports gaming proprietor ~~at the rate~~ 148
~~of twenty per cent of the sports gaming receipts received by the~~ 149
~~proprietor~~ from the operation of sports gaming in this state. 150
The tax is levied as follows: 151

(1) For tax periods beginning before January 1, 2028, 152
twenty per cent of sports gaming receipts; 153

(2) For tax periods beginning on or after January 1, 2028, 154
as follows: 155

(a) Twenty per cent, in the case of sports gaming receipts 156
received by a sports gaming proprietor whose share of the sports 157
gaming market in this state is less than two and one-quarter per 158

<u>cent;</u>	159
<u>(b) Thirty-three per cent, in the case of sports gaming receipts received by all other sports gaming proprietors.</u>	160 161
<u>(B) In June and December of each year, the casino control commission shall determine the percentage share of the sports gaming market in this state held by each sports gaming proprietor. That determination shall apply for the purposes of calculating the tax due under division (A) of this section for the six-month period that begins on the first day of the first month after the determination is made.</u>	162 163 164 165 166 167 168
<u>(C) The tax imposed under this section is in addition to any other taxes or fees imposed under the Revised Code.</u>	169 170
Sec. 5753.031. (A) For the purpose of receiving and distributing, and accounting for, revenue received from the tax levied by section 5753.021 of the Revised Code and from fines imposed under Chapter 3775. of the Revised Code, the following funds are created in the state treasury:	171 172 173 174 175
(1) The sports gaming revenue fund;	176
(2) The sports gaming tax administration fund, which the tax commissioner shall use to defray the costs incurred in administering the tax levied by section 5753.021 of the Revised Code;	177 178 179 180
(3) The sports gaming profits education fund, which shall be used for the support of public and nonpublic education for students in grades kindergarten through twelve as determined in appropriations made by the general assembly;	181 182 183 184
(4) The problem sports gaming fund;	185
<u>(5) The sports gaming profits preschool fund, which shall</u>	186

be used to fund preschool programs that are licensed under 187
sections 3301.52 to 3301.59 of the Revised Code and operated by 188
public schools. 189

(B) (1) All of the following shall be deposited into the 190
sports gaming revenue fund: 191

(a) All money collected from the tax levied under section 192
5753.021 of the Revised Code; 193

(b) The remainder of the fees described in division (G) (2) 194
of section 3775.02 of the Revised Code, after the Ohio casino 195
control commission deposits the required amount in the sports 196
gaming profits veterans fund under that division; 197

(c) Unclaimed winnings collected under division (F) of 198
section 3775.10 of the Revised Code; 199

(d) Any fines collected under Chapter 3775. of the Revised 200
Code. 201

(2) All other fees collected under Chapter 3775. of the 202
Revised Code shall be deposited into the casino control 203
commission fund created under section 5753.03 of the Revised 204
Code. 205

(C) (1) From the sports gaming revenue fund, the director 206
of budget and management shall transfer as needed to the tax 207
refund fund amounts equal to the refunds certified by the tax 208
commissioner under section 5753.06 of the Revised Code and 209
attributable to the tax levied under section 5753.021 of the 210
Revised Code. 211

(2) Not later than the fifteenth day of each month, the 212
director of budget and management shall transfer from the sports 213
gaming revenue fund to the sports gaming tax administration fund 214

the amount necessary to reimburse the department of taxation's 215
actual expenses incurred in administering the tax levied under 216
section 5753.021 of the Revised Code. 217

(3) On or before the fifteenth day of the month following 218
the end of each calendar quarter beginning on or after January 219
1, 2028, the director of budget and management shall transfer an 220
amount from the sports gaming revenue fund to the sports gaming 221
profits preschool fund. The amount shall equal thirteen thirty- 222
thirds of the amount in the sports gaming fund remaining after 223
making the transfers required by divisions (C) (1) and (2) of 224
this section, multiplied by a fraction, the denominator of which 225
is the total amount deposited in the sports gaming revenue fund 226
since the last transfer under this division and the numerator of 227
which is the portion of that amount that is attributable to the 228
tax levied under division (A) (2) (b) of section 5753.021 of the 229
Revised Code. 230

(4) Of the amount in the sports gaming revenue fund 231
remaining after making the transfers required by divisions (C) 232
(1) ~~and (2)~~ to (3) of this section, the director of budget and 233
management shall transfer, on or before the fifteenth day of the 234
month following the end of each calendar quarter, amounts to 235
each fund as follows: 236

(a) Ninety-eight per cent to the sports gaming profits 237
education fund; 238

(b) Two per cent to the problem sports gaming fund. 239

(D) All interest generated by the funds created under this 240
section shall be credited back to them. 241

Section 2. That existing sections 5753.021 and 5753.031 of 242
the Revised Code are hereby repealed. 243

Section 3. That sections 3301.50, 3301.53, 3301.54, 244
3301.56, 3313.48, 3313.64, 3313.646, 3313.842, 3313.98, 245
3313.981, 3314.03, 3314.08, 3317.011, 3317.0110, 3317.02, 246
3317.0213, 3317.03, 3321.01, 3321.05, and 3323.02 be amended and 247
sections 3301.542, 3313.6415, and 3317.083 of the Revised Code 248
be enacted to read as follows: 249

Sec. 3301.50. Except as otherwise provided under division 250
~~(B)~~ (C) of section 3301.54 of the Revised Code, the issuing of 251
any educator license designated for teaching in a preschool 252
setting pursuant to section 3319.22 of the Revised Code shall 253
not be construed as requiring any person who does not hold such 254
a license to obtain one in order to be employed as a teacher in 255
a pre-kindergarten program. However, a person hired after July 256
1, 1988, to direct a preschool program regulated by the 257
department of children and youth under sections 3301.52 to 258
3301.57 of the Revised Code, other than a program operated by a 259
nontax-supported eligible nonpublic school, shall hold a valid 260
educator license designated as appropriate for teaching or being 261
an administrator in a preschool setting issued pursuant to 262
section 3319.22 of the Revised Code plus the four courses 263
required by division (A) (1) of section 3301.54 of the Revised 264
Code, ~~unless division (A) (4) of that section applies to the~~ 265
~~person.~~ 266

Sec. 3301.53. (A) The department of children and youth 267
shall formulate and prescribe by rule adopted under Chapter 119. 268
of the Revised Code minimum standards to be applied to preschool 269
programs operated by school district boards of education, county 270
boards of developmental disabilities, community schools, or 271
eligible nonpublic schools. The rules shall include the 272
following: 273

(1) Standards ensuring that the preschool program is located in a safe and convenient facility that accommodates the enrollment of the program, is of the quality to support the growth and development of the children according to the program objectives, and meets the requirements of section 3301.55 of the Revised Code;	274 275 276 277 278 279
(2) Standards ensuring that supervision, discipline, and programs will be administered according to established objectives and procedures;	280 281 282
(3) Standards ensuring that preschool staff members and nonteaching employees are recruited, employed, assigned, evaluated, and provided in-service education without discrimination on the basis of age, color, national origin, race, or sex; and that preschool staff members and nonteaching employees are assigned responsibilities in accordance with written position descriptions commensurate with their training and experience;	283 284 285 286 287 288 289 290
(4) A requirement that boards of education intending to establish a preschool program demonstrate a need for a preschool program prior to establishing the program;	291 292 293
(5) Requirements that children participating in preschool programs have been immunized to the extent considered appropriate by the director of children and youth to prevent the spread of communicable disease;	294 295 296 297
(6) <u>(5)</u> Requirements that the parents of preschool children complete the emergency medical authorization form specified in section 3313.712 of the Revised Code;	298 299 300
(7) <u>(6)</u> The department of education and workforce's rules or standards for providing special education and related	301 302

services for children with disabilities under section 3323.02 of 303
the Revised Code incorporated by reference, as appropriate. 304

(B) The department of children and youth shall ensure that 305
the rules adopted under sections 3301.52 to 3301.58 of the 306
Revised Code are consistent with and meet or exceed the 307
requirements of Chapter 5104. of the Revised Code with regard to 308
child care centers that serve preschool children. The department 309
shall review all such rules at least once every five years. 310

(C) The department shall adopt rules for school child 311
programs that are consistent with and meet or exceed the 312
requirements of the rules adopted for child care centers that 313
serve school-age children under Chapter 5104. of the Revised 314
Code. 315

Sec. 3301.54. (A) (1) Each preschool program shall be 316
directed and supervised by a director, a head teacher, an 317
elementary principal, or a site administrator who is on site and 318
responsible for supervision of the program. Except as otherwise 319
provided in division (A) (2) or (3) of this section, this person 320
shall hold a valid educator license designated as appropriate 321
for teaching or being an administrator in a preschool setting 322
issued pursuant to section 3319.22 of the Revised Code and have 323
completed at least four courses in child development or early 324
childhood education from an accredited college, university, or 325
technical college. 326

(2) If the person was employed prior to July 1, 1988, by a 327
school district board of education or an eligible nonpublic 328
school to direct a preschool program, the person shall be 329
considered to meet the requirements of this section if the 330
person holds a valid kindergarten-primary certificate described 331
under former division (A) of section 3319.22 of the Revised Code 332

as it existed on January 1, 1996. 333

(3) If the person is employed to direct a preschool 334
program operated by an eligible, nontax-supported, nonpublic 335
school, the person shall be considered to meet the requirements 336
of this section if the person holds a valid teaching certificate 337
issued in accordance with section 3301.071 of the Revised Code. 338

(B) Each head teacher hired by a preschool program on or 339
after the effective date of this amendment shall hold at least a 340
bachelor's degree. 341

(C) Each preschool staff member hired on or after the 342
effective date of this amendment shall be meet both of the 343
following: 344

(1) Be at least eighteen years of age and have a high 345
school diploma or a certificate of high school equivalence 346
issued by the department of education and workforce or a 347
primary-secondary education or higher education agency of 348
another state, except that a staff member may be less than 349
eighteen years of age if the staff member is a graduate of a 350
two-year vocational child-care training program approved by the 351
department, or is a student enrolled in the second year of such 352
a program that leads to high school graduation, provided that 353
the student performs duties in the preschool program under the 354
continuous supervision of an experienced preschool staff member 355
and receives periodic supervision from the vocational child-care 356
training program teacher-coordinator in the student's high 357
school.; 358

(2) Hold a child development associate certification or 359
equivalent credential. 360

(D) A preschool staff member shall annually complete 361

fifteen hours of in-service training in child development or 362
early childhood education, professional development, child abuse 363
recognition and prevention, and first aid, and in the 364
prevention, recognition, and management of communicable 365
diseases, ~~until a total of forty-five hours has been completed,~~ 366
~~unless the staff member holds an associate or higher degree in~~ 367
~~child development or early childhood education from an~~ 368
~~accredited college, university, or technical college, or any~~ 369
~~type of educator license designated as appropriate for teaching~~ 370
~~in an associate teaching position in a preschool setting issued~~ 371
~~by the state board of education pursuant to section 3319.22 of~~ 372
~~the Revised Code~~pursuant to an individualized professional 373
development plan developed by the school district, eligible 374
nonpublic school, county board of developmental disabilities, or 375
community school operating the preschool program. 376

Sec. 3301.542. Each school district board of education, 377
eligible nonpublic school, county board of developmental 378
disabilities, and community school operating a preschool program 379
shall pay head teachers a salary of not less than thirty-five 380
thousand dollars per year. 381

Sec. 3301.56. (A) The director, head teacher, elementary 382
principal, or site administrator who is on site and responsible 383
for supervision of each preschool program shall be responsible 384
for the following: 385

(1) Ensuring that the health and safety of the children 386
are safeguarded by an organized program of school health 387
services designed to identify child health problems and to 388
coordinate school and community health resources for children, 389
as evidenced by but not limited to: 390

(a) Requiring immunization and compliance with emergency 391

medical authorization requirements in accordance with rules	392
adopted by the department of education and workforce under	393
section 3301.53 of the Revised Code;	394
(b) Providing procedures for emergency situations,	395
including fire drills, rapid dismissals, tornado drills, and	396
school safety drills in accordance with section 3737.73 of the	397
Revised Code, and keeping records of such drills or dismissals;	398
(c) Posting emergency procedures in preschool rooms and	399
making them available to school personnel, children, and	400
parents;	401
(d) Posting emergency numbers by each telephone;	402
(e) Supervising grounds, play areas, and other facilities	403
when scheduled for use by children;	404
(f) Providing first-aid facilities and materials.	405
(2) Maintaining cumulative records for each child;	406
(3) Supervising each child's admission, placement, and	407
withdrawal according to established procedures;	408
(4) Preparing at least once annually for each group of	409
children in the program a roster of names and telephone numbers	410
of parents, guardians, and custodians of children in the group	411
and, on request, furnishing the roster for each group to the	412
parents, guardians, and custodians of children in that group.	413
The director may prepare a similar roster of all children in the	414
program and, on request, make it available to the parents,	415
guardians, and custodians, of children in the program. The	416
director shall not include in either roster the name or	417
telephone number of any parent, guardian, or custodian who	418
requests that the parent's, guardian's, or custodian's name or	419

number not be included, and shall not furnish any roster to any 420
 person other than a parent, guardian, or custodian of a child in 421
 the program. 422

(5) Ensuring that clerical and custodial services are 423
 provided for the program; 424

(6) Supervising the instructional program and the daily 425
 operation of the program; 426

(7) Supervising and evaluating preschool staff members 427
 according to a planned sequence of observations and evaluation 428
 conferences, and supervising nonteaching employees. (B) (1) In 429
 each program the maximum number of children per preschool staff 430
 member and the maximum group size by age category of children 431
 shall be as follows: 432

	1	2	3
A	Age Group	Maximum Group Size	Staff Member/Child Ratio
B	Birth to less than 12 months	12	1:5, or 2:12 if two preschool staff members are in the room
C	12 months to less than 18 months	12	1:6
D	18 months to less than 30 months	14	1:7
E	30 months to less than 3 years	16	1:8

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F	3-year-olds <u>3- and 4-year-olds</u>	24 <u>20</u>	1:12 <u>1:10</u>
G	4- and 5-year-olds not in school	28	1:14

(2) When age groups are combined, the maximum number of children per preschool staff member shall be determined by the age of the youngest child in the group, except that when no more than one child thirty months of age or older receives child care in a group in which all the other children are in the next older age group, the maximum number of children per child-care staff member and maximum group size requirements of the older age group established under division (B)(1) of this section shall apply.

(3) In a room where children are napping, if all the children are at least eighteen months of age, the maximum number of children per preschool staff member shall, for a period not to exceed one and one-half hours in any twenty-four hour day, be twice the maximum number of children per preschool staff member established under division (B)(1) of this section if all the following criteria are met:

(a) At least one preschool staff member is present in the room;

(b) Sufficient preschool staff members are present on the preschool program premises to comply with division (B)(1) of this section;

(c) Naptime preparations have been completed and the children are resting or napping.

(4) Any accredited program that uses the Montessori method endorsed by the American Montessori society or the association Montessori internationale as its primary method of instruction

and is licensed as a preschool program under section 3301.58 of 461
the Revised Code may combine preschool children of ages three to 462
five years old with children enrolled in kindergarten. 463
Notwithstanding anything to the contrary in division (B) (2) of 464
this section, when such age groups are combined, the maximum 465
number of children per preschool staff member shall be twelve 466
and the maximum group size shall be twenty-four children. 467

(C) In each building in which a preschool program is 468
operated there shall be on the premises, and readily available 469
at all times, at least one employee who has completed a course 470
in first aid and in the prevention, recognition, and management 471
of communicable diseases which is approved by the state 472
department of health, and an employee who has completed a course 473
in child abuse recognition and prevention. 474

(D) Any parent, guardian, or custodian of a child enrolled 475
in a preschool program shall be permitted unlimited access to 476
the school during its hours of operation to contact the 477
parent's, guardian's, or custodian's child, evaluate the care 478
provided by the program, or evaluate the premises, or for other 479
purposes approved by the director. Upon entering the premises, 480
the parent, guardian, or custodian shall report to the school 481
office. 482

Sec. 3313.48. (A) The board of education of each city, 483
exempted village, local, and joint vocational school district 484
shall provide for the free education of the youth of school age 485
within the district under its jurisdiction, at such places as 486
will be most convenient for the attendance of the largest number 487
thereof. Each school so provided and each chartered nonpublic 488
school shall be open for instruction with pupils in attendance, 489
including scheduled classes, supervised activities, and approved 490

education options but excluding lunch and breakfast periods and 491
extracurricular activities, for not less than ~~four hundred~~ 492
~~fifty-five hours in the case of pupils in kindergarten unless~~ 493
~~such pupils are provided all-day kindergarten, as defined in~~ 494
~~section 3321.05 of the Revised Code, in which case the pupils~~ 495
~~shall be in attendance for nine hundred ten hours;~~ nine hundred 496
ten hours in the case of pupils in grades ~~one kindergarten~~ 497
through six; and one thousand one hours in the case of pupils in 498
grades seven through twelve in each school year, which may 499
include all of the following: 500

(1) Up to the equivalent of two school days per year 501
during which pupils would otherwise be in attendance but are not 502
required to attend for the purpose of individualized parent- 503
teacher conferences and reporting periods; 504

(2) Up to the equivalent of two school days per year 505
during which pupils would otherwise be in attendance but are not 506
required to attend for professional meetings of teachers; 507

(3) Morning and afternoon recess periods of not more than 508
fifteen minutes duration per period for pupils in grades 509
kindergarten through six. 510

(B) Not later than thirty days prior to adopting a school 511
calendar, the board of education of each city, exempted village, 512
and local school district shall hold a public hearing on the 513
school calendar, addressing topics that include, but are not 514
limited to, the total number of hours in a school year, length 515
of school day, and beginning and end dates of instruction. The 516
public hearing required under this division need not be a 517
separate, individual hearing and may be part of another public 518
hearing or board meeting. 519

(C) No school operated by a city, exempted village, local, 520
or joint vocational school district shall reduce the number of 521
hours in each school year that the school is scheduled to be 522
open for instruction from the number of hours per year the 523
school was open for instruction during the previous school year 524
unless the reduction is approved by a resolution adopted by the 525
district board of education. Any reduction so approved shall not 526
result in fewer hours of instruction per school year than the 527
applicable number of hours required under division (A) of this 528
section. 529

(D) Prior to making any change in the hours or days in 530
which a high school under its jurisdiction is open for 531
instruction, the board of education of each city, exempted 532
village, and local school district shall consider the 533
compatibility of the proposed change with the scheduling needs 534
of any joint vocational school district in which any of the high 535
school's students are also enrolled. The board shall consider 536
the impact of the proposed change on student access to the 537
instructional programs offered by the joint vocational school 538
district, incentives for students to participate in career- 539
technical education, transportation, and the timing of 540
graduation. The board shall provide the joint vocational school 541
district board with advance notice of the proposed change and 542
the two boards shall enter into a written agreement prescribing 543
reasonable accommodations to meet the scheduling needs of the 544
joint vocational school district prior to implementation of the 545
change. 546

(E) Subject to section 3327.016 of the Revised Code, prior 547
to making any change in the hours or days in which a school 548
under its jurisdiction is open for instruction, the board of 549
education of each city, exempted village, and local school 550

district shall consider the compatibility of the proposed change 551
with the scheduling needs of any community school established 552
under Chapter 3314. of the Revised Code to which the district is 553
required to transport students under sections 3314.09 and 554
3327.01 of the Revised Code. The board shall consider the impact 555
of the proposed change on student access to the instructional 556
programs offered by the community school, transportation, and 557
the timing of graduation. The board shall provide the sponsor, 558
governing authority, and operator of the community school with 559
advance notice of the proposed change, and the board and the 560
governing authority, or operator if such authority is delegated 561
to the operator, shall enter into a written agreement 562
prescribing reasonable accommodations to meet the scheduling 563
needs of the community school prior to implementation of the 564
change. 565

(F) Subject to section 3327.016 of the Revised Code, prior 566
to making any change in the hours or days in which the schools 567
under its jurisdiction are open for instruction, the board of 568
education of each city, exempted village, and local school 569
district shall consult with the chartered nonpublic schools to 570
which the district is required to transport students under 571
section 3327.01 of the Revised Code and shall consider the 572
effect of the proposed change on the schedule for transportation 573
of those students to their nonpublic schools. The governing 574
authority of a chartered nonpublic school shall consult with 575
each school district board of education that transports students 576
to the chartered nonpublic school under section 3327.01 of the 577
Revised Code prior to making any change in the hours or days in 578
which the nonpublic school is open for instruction. 579

(G) The department of education and workforce shall not 580
adopt or enforce any rule or standard that imposes on chartered 581

nonpublic schools the procedural requirements imposed on school 582
districts by divisions (B), (C), (D), and (E) of this section. 583

Sec. 3313.64. (A) As used in this section and in section 584
3313.65 of the Revised Code: 585

(1) (a) Except as provided in division (A) (1) (b) of this 586
section, "parent" means either parent, unless the parents are 587
separated or divorced or their marriage has been dissolved or 588
annulled, in which case "parent" means the parent who is the 589
residential parent and legal custodian of the child. When a 590
child is in the legal custody of a government agency or a person 591
other than the child's natural or adoptive parent, "parent" 592
means the parent with residual parental rights, privileges, and 593
responsibilities. When a child is in the permanent custody of a 594
government agency or a person other than the child's natural or 595
adoptive parent, "parent" means the parent who was divested of 596
parental rights and responsibilities for the care of the child 597
and the right to have the child live with the parent and be the 598
legal custodian of the child and all residual parental rights, 599
privileges, and responsibilities. 600

(b) When a child is the subject of a power of attorney 601
executed under sections 3109.51 to 3109.62 of the Revised Code, 602
"parent" means the grandparent designated as attorney in fact 603
under the power of attorney. When a child is the subject of a 604
caretaker authorization affidavit executed under sections 605
3109.64 to 3109.73 of the Revised Code, "parent" means the 606
grandparent that executed the affidavit. 607

(2) "Legal custody," "permanent custody," and "residual 608
parental rights, privileges, and responsibilities" have the same 609
meanings as in section 2151.011 of the Revised Code. 610

(3) "School district" or "district" means a city, local, 611
or exempted village school district and excludes any school 612
operated in an institution maintained by the department of youth 613
services. 614

(4) Except as used in division (C)(2) of this section, 615
"home" means a home, institution, foster home, group home, or 616
other residential facility in this state that receives and cares 617
for children, to which any of the following applies: 618

(a) The home is licensed, certified, or approved for such 619
purpose by the state or is maintained by the department of youth 620
services. 621

(b) The home is operated by a person who is licensed, 622
certified, or approved by the state to operate the home for such 623
purpose. 624

(c) The home accepted the child through a placement by a 625
person licensed, certified, or approved to place a child in such 626
a home by the state. 627

(d) The home is a children's home created under section 628
5153.21 or 5153.36 of the Revised Code. 629

(5) "Agency" means all of the following: 630

(a) A public children services agency; 631

(b) An organization that holds a certificate issued by the 632
department of children and youth in accordance with the 633
requirements of section 5103.03 of the Revised Code and assumes 634
temporary or permanent custody of children through commitment, 635
agreement, or surrender, and places children in family homes for 636
the purpose of adoption; 637

(c) Comparable agencies of other states or countries that 638

have complied with applicable requirements of section 2151.39 of 639
the Revised Code or as applicable, sections 5103.20 to 5103.22 640
or 5103.23 to 5103.237 of the Revised Code. 641

(6) A child is placed for adoption if either of the 642
following occurs: 643

(a) An agency to which the child has been permanently 644
committed or surrendered enters into an agreement with a person 645
pursuant to section 5103.16 of the Revised Code for the care and 646
adoption of the child. 647

(b) The child's natural parent places the child pursuant 648
to section 5103.16 of the Revised Code with a person who will 649
care for and adopt the child. 650

(7) "Preschool child with a disability" has the same 651
meaning as in section 3323.01 of the Revised Code. 652

(8) "Child," unless otherwise indicated, includes 653
preschool children with disabilities. 654

(9) "Active duty" means active duty pursuant to an 655
executive order of the president of the United States, an act of 656
the congress of the United States, or section 5919.29 or 5923.21 657
of the Revised Code. 658

(B) Except as otherwise provided in section 3321.01 of the 659
Revised Code for admittance to kindergarten and first grade, a 660
child who is at least five but under twenty-two years of age and 661
any preschool child with a disability shall be admitted to 662
school as provided in this division. 663

(1) A child shall be admitted to the schools of the school 664
district in which the child's parent resides. 665

(2) Except as provided in division (B) (4) of this section 666

or 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:

(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.

(b) The child resides in a home.

(c) The child requires special education.

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

(a) The placement for adoption has been terminated.

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

(4) (a) A child who does not reside in the district where the child's parent resides is not required to be admitted to the schools of the district in which the child resides if both of the following apply:

(i) The child resides in a home, or in a facility similarly licensed in another state, and the child was placed in the home or facility by the child's parent in consultation with, and upon the recommendation of, the Ohio resilience through integrated systems and excellence program for children and youth

involved in multiple state systems. 695

(ii) The home provides education services that meet the 696
minimum education standards under division (D)(2) of section 697
3301.07 of the Revised Code or, in the case of a facility 698
located in another state, meets substantially similar 699
requirements of the jurisdiction where the facility is located, 700
except that the home or facility may provide the child with less 701
than the minimum number of instructional hours required only as 702
necessary to accommodate the child's treatment program. 703

(b) Upon a child's admission to a home pursuant to 704
division (B)(4)(a) of this section, the home shall notify the 705
district where the child's parent resides and the district where 706
the home is located that the home is providing educational 707
services to the child until the child is discharged. Upon a 708
child's admission to a facility located in another state 709
pursuant to division (B)(4)(a) of this section, the facility 710
shall notify the district where the child's parent resides that 711
the facility is providing educational services to the child 712
until the child is discharged. In either case, the district 713
where the child's parent resides shall continue to enroll the 714
student as provided in division (C)(5) of this section and shall 715
excuse the child from attendance until the child is discharged 716
from the home or facility. 717

(c) Upon a child's discharge from a home or facility, the 718
home or facility shall notify the district where the child's 719
parent resides. The home or facility and the district shall 720
collaborate on a supportive reentry plan into school for the 721
child. 722

Division (B) of this section does not prohibit the board 723
of education of a school district from placing a child with a 724

disability who resides in the district in a special education 725
program outside of the district or its schools in compliance 726
with Chapter 3323. of the Revised Code. 727

(C) A district shall not charge tuition for children 728
admitted under division (B) (1) or (3) of this section. If the 729
district admits a child under division (B) (2) of this section, 730
tuition shall be paid to the district that admits the child as 731
provided in divisions (C) (1) to (3) of this section, unless 732
division (C) (4) of this section applies to the child: 733

(1) If the child receives special education in accordance 734
with Chapter 3323. of the Revised Code, the school district of 735
residence, as defined in section 3323.01 of the Revised Code, 736
shall pay tuition for the child in accordance with section 737
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 738
regardless of who has custody of the child or whether the child 739
resides in a home. 740

(2) For a child that does not receive special education in 741
accordance with Chapter 3323. of the Revised Code, except as 742
otherwise provided in division (C) (2) (d) of this section, if the 743
child is in the permanent or legal custody of a government 744
agency or person other than the child's parent, tuition shall be 745
paid by: 746

(a) The district in which the child's parent resided at 747
the time the court removed the child from home or at the time 748
the court vested legal or permanent custody of the child in the 749
person or government agency, whichever occurred first; 750

(b) If the parent's residence at the time the court 751
removed the child from home or placed the child in the legal or 752
permanent custody of the person or government agency is unknown, 753

tuition shall be paid by the district in which the child resided 754
at the time the child was removed from home or placed in legal 755
or permanent custody, whichever occurred first; 756

(c) If a school district cannot be established under 757
division (C) (2) (a) or (b) of this section, tuition shall be paid 758
by the district determined as required by section 2151.362 of 759
the Revised Code by the court at the time it vests custody of 760
the child in the person or government agency; 761

(d) If at the time the court removed the child from home 762
or vested legal or permanent custody of the child in the person 763
or government agency, whichever occurred first, one parent was 764
in a residential or correctional facility or a juvenile 765
residential placement and the other parent, if living and not in 766
such a facility or placement, was not known to reside in this 767
state, tuition shall be paid by the district determined under 768
division (D) of section 3313.65 of the Revised Code as the 769
district required to pay any tuition while the parent was in 770
such facility or placement; 771

(e) If the department of education and workforce has 772
determined, pursuant to division (A) (2) of section 2151.362 of 773
the Revised Code, that a school district other than the one 774
named in the court's initial order, or in a prior determination 775
of the department, is responsible to bear the cost of educating 776
the child, the district so determined shall be responsible for 777
that cost. 778

(3) If the child is not in the permanent or legal custody 779
of a government agency or person other than the child's parent 780
and the child resides in a home, tuition shall be paid by one of 781
the following: 782

(a) The school district in which the child's parent resides;	783 784
(b) If the child's parent is not a resident of this state, the home in which the child resides.	785 786
(4) Division (C)(4) of this section applies to any child who is admitted to a school district under division (B)(2) of this section, resides in a home that is not a foster home, a home maintained by the department of youth services, a detention facility established under section 2152.41 of the Revised Code, or a juvenile facility established under section 2151.65 of the Revised Code, and receives educational services at the home or facility in which the child resides pursuant to a contract between the home or facility and the school district providing those services.	787 788 789 790 791 792 793 794 795 796
If a child to whom division (C)(4) of this section applies is a special education student, a district may choose whether to receive a tuition payment for that child under division (C)(4) of this section or to receive a payment for that child under section 3323.14 of the Revised Code. If a district chooses to receive a payment for that child under section 3323.14 of the Revised Code, it shall not receive a tuition payment for that child under division (C)(4) of this section.	797 798 799 800 801 802 803 804
If a child to whom division (C)(4) of this section applies is not a special education student, a district shall receive a tuition payment for that child under division (C)(4) of this section.	805 806 807 808
In the case of a child to which division (C)(4) of this section applies, the total educational cost to be paid for the child shall be determined by a formula approved by the	809 810 811

department of education and workforce, which formula shall be 812
designed to calculate a per diem cost for the educational 813
services provided to the child for each day the child is served 814
and shall reflect the total actual cost incurred in providing 815
those services. The department shall certify the total 816
educational cost to be paid for the child to both the school 817
district providing the educational services and, if different, 818
the school district that is responsible to pay tuition for the 819
child. The department shall deduct the certified amount from the 820
state basic aid funds payable under Chapter 3317. of the Revised 821
Code to the district responsible to pay tuition and shall pay 822
that amount to the district providing the educational services 823
to the child. 824

(5) In the case of a child to whom division (B) (4) of this 825
section applies, and except as otherwise provided in division 826
(C) (5) (f) of this section, tuition shall be paid to the home or 827
facility for educational services provided to the child by the 828
school district in which the child's parent resides according to 829
the following: 830

(a) The total educational cost to be paid for the child 831
shall be determined by a formula approved by the department of 832
education and workforce. The department shall design the formula 833
to calculate a per diem cost for the educational services 834
provided to the child for each day the child is served and shall 835
reflect the total actual cost incurred in providing those 836
services. The department shall certify the total educational 837
cost to be paid for the child to both the home or facility 838
providing the educational services and the district that is 839
responsible to pay the tuition for the child. The department 840
shall deduct the certified amount from the state basic aid funds 841
payable under Chapter 3317. of the Revised Code to the district 842

responsible to pay tuition and shall pay that amount to the home 843
or facility providing the educational services to the child. 844

(b) The district responsible to pay tuition shall continue 845
to report the child in its enrollment for purposes of section 846
3317.03 of the Revised Code. 847

(c) If the parent's residence changes to a different 848
school district while the child resides in the home or facility, 849
the department of education and workforce may re-determine the 850
school district responsible for tuition based on evidence 851
provided by the district currently responsible for tuition. 852

(d) Upon a child's discharge from the home or facility, 853
the home or facility shall immediately notify the district where 854
the child's parent resides and the department of education and 855
workforce. The notification shall include a certified transcript 856
of all coursework completed by the child while residing in the 857
home or facility. The district where the child's parent resides 858
shall accept all coursework completed by the child while in the 859
home or facility and shall award credit for that coursework in 860
accordance with district policy. 861

(e) Following discharge from the home or facility and 862
return to the parent's residence, high school students shall 863
meet requirements under section 3313.618 of the Revised Code in 864
order to qualify for a high school diploma that are no more 865
stringent than those that apply to students who enroll into an 866
Ohio public or chartered nonpublic high school after receiving a 867
home education under section 3321.042 of the Revised Code. 868

(f) If the child is provided educational services by a 869
chartered nonpublic school while residing in a home and the 870
child has been awarded a scholarship under a state scholarship 871

program, as defined in section 3301.0711 of the Revised Code, no 872
school district shall be responsible for paying tuition under 873
division (C) (5) of this section. 874

(D) Tuition required to be paid under divisions (C) (2) and 875
(3) (a) of this section shall be computed in accordance with 876
section 3317.08 of the Revised Code. Tuition required to be paid 877
under division (C) (3) (b) of this section shall be computed in 878
accordance with section 3317.081 of the Revised Code. If a home 879
fails to pay the tuition required by division (C) (3) (b) of this 880
section, the board of education providing the education may 881
recover in a civil action the tuition and the expenses incurred 882
in prosecuting the action, including court costs and reasonable 883
attorney's fees. If the prosecuting attorney or city director of 884
law represents the board in such action, costs and reasonable 885
attorney's fees awarded by the court, based upon the prosecuting 886
attorney's, director's, or one of their designee's time spent 887
preparing and presenting the case, shall be deposited in the 888
county or city general fund. 889

(E) A board of education may enroll a child free of any 890
tuition obligation for a period not to exceed sixty days, on the 891
sworn statement of an adult resident of the district that the 892
resident has initiated legal proceedings for custody of the 893
child. 894

(F) In the case of any individual entitled to attend 895
school under this division, no tuition shall be charged by the 896
school district of attendance and no other school district shall 897
be required to pay tuition for the individual's attendance. 898
Notwithstanding division (B), (C), or (E) of this section: 899

(1) All persons at least eighteen but under twenty-two 900
years of age who live apart from their parents, support 901

themselves by their own labor, and have not successfully 902
completed the high school curriculum or the individualized 903
education program developed for the person by the high school 904
pursuant to section 3323.08 of the Revised Code, are entitled to 905
attend school in the district in which they reside. 906

(2) Any child under eighteen years of age who is married 907
is entitled to attend school in the child's district of 908
residence. 909

(3) A child is entitled to attend school in the district 910
in which either of the child's parents is employed if the child 911
has a medical condition that may require emergency medical 912
attention. The parent of a child entitled to attend school under 913
division (F)(3) of this section shall submit to the board of 914
education of the district in which the parent is employed a 915
statement from the child's physician, certified nurse-midwife, 916
clinical nurse specialist, or certified nurse practitioner 917
certifying that the child's medical condition may require 918
emergency medical attention. The statement shall be supported by 919
such other evidence as the board may require. 920

(4) Any child residing with a person other than the 921
child's parent is entitled, for a period not to exceed twelve 922
months, to attend school in the district in which that person 923
resides if the child's parent files an affidavit with the 924
superintendent of the district in which the person with whom the 925
child is living resides stating all of the following: 926

(a) That the parent is serving outside of the state in the 927
armed services of the United States; 928

(b) That the parent intends to reside in the district upon 929
returning to this state; 930

(c) The name and address of the person with whom the child 931
is living while the parent is outside the state. 932

(5) Any child under the age of twenty-two years who, after 933
the death of a parent, resides in a school district other than 934
the district in which the child attended school at the time of 935
the parent's death is entitled to continue to attend school in 936
the district in which the child attended school at the time of 937
the parent's death for the remainder of the school year, subject 938
to approval of that district board. 939

(6) A child under the age of twenty-two years who resides 940
with a parent who is having a new house built in a school 941
district outside the district where the parent is residing is 942
entitled to attend school for a period of time in the district 943
where the new house is being built. In order to be entitled to 944
such attendance, the parent shall provide the district 945
superintendent with the following: 946

(a) A sworn statement explaining the situation, revealing 947
the location of the house being built, and stating the parent's 948
intention to reside there upon its completion; 949

(b) A statement from the builder confirming that a new 950
house is being built for the parent and that the house is at the 951
location indicated in the parent's statement. 952

(7) A child under the age of twenty-two years residing 953
with a parent who has a contract to purchase a house in a school 954
district outside the district where the parent is residing and 955
who is waiting upon the date of closing of the mortgage loan for 956
the purchase of such house is entitled to attend school for a 957
period of time in the district where the house is being 958
purchased. In order to be entitled to such attendance, the 959

parent shall provide the district superintendent with the 960
following: 961

(a) A sworn statement explaining the situation, revealing 962
the location of the house being purchased, and stating the 963
parent's intent to reside there; 964

(b) A statement from a real estate broker or bank officer 965
confirming that the parent has a contract to purchase the house, 966
that the parent is waiting upon the date of closing of the 967
mortgage loan, and that the house is at the location indicated 968
in the parent's statement. 969

The district superintendent shall establish a period of 970
time not to exceed ninety days during which the child entitled 971
to attend school under division (F) (6) or (7) of this section 972
may attend without tuition obligation. A student attending a 973
school under division (F) (6) or (7) of this section shall be 974
eligible to participate in interscholastic athletics under the 975
auspices of that school, provided the board of education of the 976
school district where the student's parent resides, by a formal 977
action, releases the student to participate in interscholastic 978
athletics at the school where the student is attending, and 979
provided the student receives any authorization required by a 980
public agency or private organization of which the school 981
district is a member exercising authority over interscholastic 982
sports. 983

(8) A child whose parent is a full-time employee of a 984
city, local, or exempted village school district, or of an 985
educational service center, may be admitted to the schools of 986
the district where the child's parent is employed, or in the 987
case of a child whose parent is employed by an educational 988
service center, in the district that serves the location where 989

the parent's job is primarily located, provided the district 990
board of education establishes such an admission policy by 991
resolution adopted by a majority of its members. Any such policy 992
shall take effect on the first day of the school year and the 993
effective date of any amendment or repeal may not be prior to 994
the first day of the subsequent school year. The policy shall be 995
uniformly applied to all such children and shall provide for the 996
admission of any such child upon request of the parent. No child 997
may be admitted under this policy after the first day of classes 998
of any school year. 999

(9) A child who is with the child's parent under the care 1000
of a shelter for victims of domestic violence, as defined in 1001
section 3113.33 of the Revised Code, is entitled to attend 1002
school free in the district in which the child is with the 1003
child's parent, and no other school district shall be required 1004
to pay tuition for the child's attendance in that school 1005
district. 1006

The enrollment of a child in a school district under this 1007
division shall not be denied due to a delay in the school 1008
district's receipt of any records required under section 1009
3313.672 of the Revised Code or any other records required for 1010
enrollment. Any days of attendance and any credits earned by a 1011
child while enrolled in a school district under this division 1012
shall be transferred to and accepted by any school district in 1013
which the child subsequently enrolls. The department of 1014
education and workforce shall adopt rules to ensure compliance 1015
with this division. 1016

(10) Any child under the age of twenty-two years whose 1017
parent has moved out of the school district after the 1018
commencement of classes in the child's senior year of high 1019

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 Revised Code. Upon request, the grandparent shall complete any consent form required by the district. A school district shall

not incur any liability solely because of its receipt of a consent form from a grandparent in lieu of a parent.

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

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

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

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

While an agreement is in effect under this division for a student who is not receiving special education under Chapter 3323. of the Revised Code and notwithstanding Chapter 3327. of the Revised Code, the board of education of neither school district involved in the agreement is required to provide

transportation for the student to and from the school where the 1080
student attends. 1081

A student attending a school of a district pursuant to 1082
this division shall be allowed to participate in all student 1083
activities, including interscholastic athletics, at the school 1084
where the student is attending on the same basis as any student 1085
who has always attended the schools of that district while of 1086
compulsory school age. 1087

(13) All school districts shall comply with the "McKinney- 1088
Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et seq., for 1089
the education of homeless children. Each city, local, and 1090
exempted village school district shall comply with the 1091
requirements of that act governing the provision of a free, 1092
appropriate public education, including public preschool, to 1093
each homeless child. 1094

When a child loses permanent housing and becomes a 1095
homeless person, as defined in 42 U.S.C.A. 11481(5), or when a 1096
child who is such a homeless person changes temporary living 1097
arrangements, the child's parent or guardian shall have the 1098
option of enrolling the child in either of the following: 1099

(a) The child's school of origin, as defined in 42 1100
U.S.C.A. 11432(g) (3) (C); 1101

(b) The school that is operated by the school district in 1102
which the shelter where the child currently resides is located 1103
and that serves the geographic area in which the shelter is 1104
located. 1105

(14) A child under the age of twenty-two years who resides 1106
with a person other than the child's parent is entitled to 1107
attend school in the school district in which that person 1108

resides if both of the following apply: 1109

(a) That person has been appointed, through a military 1110
power of attorney executed under section 574(a) of the "National 1111
Defense Authorization Act for Fiscal Year 1994," 107 Stat. 1674 1112
(1993), 10 U.S.C. 1044b, or through a comparable document 1113
necessary to complete a family care plan, as the parent's agent 1114
for the care, custody, and control of the child while the parent 1115
is on active duty as a member of the national guard or a reserve 1116
unit of the armed forces of the United States or because the 1117
parent is a member of the armed forces of the United States and 1118
is on a duty assignment away from the parent's residence. 1119

(b) The military power of attorney or comparable document 1120
includes at least the authority to enroll the child in school. 1121

The entitlement to attend school in the district in which 1122
the parent's agent under the military power of attorney or 1123
comparable document resides applies until the end of the school 1124
year in which the military power of attorney or comparable 1125
document expires. 1126

(G) A board of education, after approving admission, may 1127
waive tuition for students who will temporarily reside in the 1128
district and who are either of the following: 1129

(1) Residents or domiciliaries of a foreign nation who 1130
request admission as foreign exchange students; 1131

(2) Residents or domiciliaries of the United States but 1132
not of Ohio who request admission as participants in an exchange 1133
program operated by a student exchange organization. 1134

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 1135
3323.04, 3327.04, and 3327.06 of the Revised Code, a child may 1136
attend school or participate in a special education program in a 1137

school district other than in the district where the child is 1138
entitled to attend school under division (B) of this section. 1139

(I) (1) Notwithstanding anything to the contrary in this 1140
section or section 3313.65 of the Revised Code, a child under 1141
twenty-two years of age may attend school in the school district 1142
in which the child, at the end of the first full week of October 1143
of the school year, was entitled to attend school as otherwise 1144
provided under this section or section 3313.65 of the Revised 1145
Code, if at that time the child was enrolled in the schools of 1146
the district but since that time the child or the child's parent 1147
has relocated to a new address located outside of that school 1148
district and within the same county as the child's or parent's 1149
address immediately prior to the relocation. The child may 1150
continue to attend school in the district, and at the school to 1151
which the child was assigned at the end of the first full week 1152
of October of the current school year, for the balance of the 1153
school year. Division (I) (1) of this section applies only if 1154
both of the following conditions are satisfied: 1155

(a) The board of education of the school district in which 1156
the child was entitled to attend school at the end of the first 1157
full week in October and of the district to which the child or 1158
child's parent has relocated each has adopted a policy to enroll 1159
children described in division (I) (1) of this section. 1160

(b) The child's parent provides written notification of 1161
the relocation outside of the school district to the 1162
superintendent of each of the two school districts. 1163

(2) At the beginning of the school year following the 1164
school year in which the child or the child's parent relocated 1165
outside of the school district as described in division (I) (1) 1166
of this section, the child is not entitled to attend school in 1167

the school district under that division. 1168

(3) Any person or entity owing tuition to the school 1169
district on behalf of the child at the end of the first full 1170
week in October, as provided in division (C) of this section, 1171
shall continue to owe such tuition to the district for the 1172
child's attendance under division (I)(1) of this section for the 1173
lesser of the balance of the school year or the balance of the 1174
time that the child attends school in the district under 1175
division (I)(1) of this section. 1176

(4) A pupil who may attend school in the district under 1177
division (I)(1) of this section shall be entitled to 1178
transportation services pursuant to an agreement between the 1179
district and the district in which the child or child's parent 1180
has relocated unless the districts have not entered into such 1181
agreement, in which case the child shall be entitled to 1182
transportation services in the same manner as a pupil attending 1183
school in the district under interdistrict open enrollment as 1184
described in division ~~(E)~~(B) of section 3313.981 of the Revised 1185
Code, regardless of whether the district has adopted an open 1186
enrollment policy as described in division (B)(1)(b) or (c) of 1187
section 3313.98 of the Revised Code. 1188

(J) This division does not apply to a child receiving 1189
special education. 1190

A school district required to pay tuition pursuant to 1191
division (C)(2) or (3) of this section or section 3313.65 of the 1192
Revised Code shall have an amount deducted under division (C) of 1193
section 3317.023 of the Revised Code equal to its own tuition 1194
rate for the same period of attendance. A school district 1195
entitled to receive tuition pursuant to division (C)(2) or (3) 1196
of this section or section 3313.65 of the Revised Code shall 1197

have an amount credited under division (C) of section 3317.023 1198
of the Revised Code equal to its own tuition rate for the same 1199
period of attendance. If the tuition rate credited to the 1200
district of attendance exceeds the rate deducted from the 1201
district required to pay tuition, the department of education 1202
and workforce shall pay the district of attendance the 1203
difference from amounts deducted from all districts' payments 1204
under division (C) of section 3317.023 of the Revised Code but 1205
not credited to other school districts under such division and 1206
from appropriations made for such purpose. The treasurer of each 1207
school district shall, by the fifteenth day of January and July, 1208
furnish the director of education and workforce a report of the 1209
names of each child who attended the district's schools under 1210
divisions (C) (2) and (3) of this section or section 3313.65 of 1211
the Revised Code during the preceding six calendar months, the 1212
duration of the attendance of those children, the school 1213
district responsible for tuition on behalf of the child, and any 1214
other information that the director requires. 1215

Upon receipt of the report the director, pursuant to 1216
division (C) of section 3317.023 of the Revised Code, shall 1217
deduct each district's tuition obligations under divisions (C) 1218
(2) and (3) of this section or section 3313.65 of the Revised 1219
Code and pay to the district of attendance that amount plus any 1220
amount required to be paid by the state. 1221

(K) In the event of a disagreement, the director of 1222
education and workforce shall determine the school district in 1223
which the parent resides. 1224

(L) Nothing in this section requires or authorizes, or 1225
shall be construed to require or authorize, the admission to a 1226
public school in this state of a pupil who has been permanently 1227

excluded from public school attendance by the director pursuant 1228
to sections 3301.121 and 3313.662 of the Revised Code. 1229

(M) In accordance with division (B) (1) of this section, a 1230
child whose parent is a member of the national guard or a 1231
reserve unit of the armed forces of the United States and is 1232
called to active duty, or a child whose parent is a member of 1233
the armed forces of the United States and is ordered to a 1234
temporary duty assignment outside of the district, may continue 1235
to attend school in the district in which the child's parent 1236
lived before being called to active duty or ordered to a 1237
temporary duty assignment outside of the district, as long as 1238
the child's parent continues to be a resident of that district, 1239
and regardless of where the child lives as a result of the 1240
parent's active duty status or temporary duty assignment. 1241
However, the district is not responsible for providing 1242
transportation for the child if the child lives outside of the 1243
district as a result of the parent's active duty status or 1244
temporary duty assignment. 1245

Sec. 3313.646. (A) As used in this section: 1246

(1) "All-day preschool" means a preschool program that is 1247
in session for not less than the same number of clock hours each 1248
week as for students in grades kindergarten through six. 1249

(2) "Half-day preschool" means a preschool program that is 1250
in session for not less than half of the number of clock hours 1251
each week as for students in grades kindergarten through six. 1252

(B) (1) The board of education of a—each city, exempted 1253
village, or local school district, except a cooperative 1254
education district established pursuant to section 3311.521 of 1255
the Revised Code, ~~may establish and~~ shall operate a half-day 1256

~~preschool program to provide services to preschool-age for~~ 1257
~~children, provided the board has demonstrated a need for the~~ 1258
~~program~~ four and five years of age and who are not enrolled in 1259
kindergarten. Each board shall determine the number of days a 1260
preschool program will meet each week to meet the minimum number 1261
of clock hours required for the program. A board may use school 1262
funds in support of preschool programs. A board may charge 1263
tuition for its preschool program in accordance with section 1264
3317.083 of the Revised Code. The board shall maintain, operate, 1265
and admit children to any such program pursuant to rules adopted 1266
by such board and the rules adopted under sections 3301.52 to 1267
3301.57-3301.59 of the Revised Code. 1268

~~A board of education may establish fees or tuition, which~~ 1269
~~may be graduated in proportion to family income, for~~ 1270
~~participation in a preschool program. In cases where payment of~~ 1271
~~fees or tuition would create a hardship for the child's parent~~ 1272
~~or guardian, the board may waive any such fees or tuition. (2)~~ 1273
Each school district shall designate either the first day of 1274
August or the thirtieth day of September of each year as the 1275
date by which a child must be four years of age to enroll in the 1276
district's preschool program. Each school district shall display 1277
the designated date on the district's web site or otherwise 1278
provide the designated date to parents or guardians seeking to 1279
enroll a child in the district's preschool program. A child is 1280
eligible to enroll in a school district's preschool program if, 1281
on the date designated by the school district in the year of 1282
enrollment, the child either: 1283

(a) Is four years of age and the child's parent or 1284
guardian intends to enroll the child in kindergarten at five 1285
years of age; 1286

(b) Is five years of age and the child's parent or guardian intends to enroll the child in kindergarten at six years of age. 1287
1288
1289

If a child enrolls in a preschool program at four years of age with the intention to enroll in kindergarten at five years of age, but the child's parent or guardian and the school district in which the child attends preschool determine that the child is not ready to enter kindergarten at five years of age, then the school district shall permit the child to enroll in a second year of preschool. 1290
1291
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(3) School districts may offer any of the following: 1297

(a) Preschool enrollment for children three years of age; 1298

(b) Multiple years of preschool enrollment to children three or four years of age; 1299
1300

(c) An all-day preschool program. 1301

~~(B)~~ (C) No board of education that is not receiving funds under the "Head Start Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, on March 17, 1989, shall compete for funds under the "Head Start Act" with any grantee receiving funds under that act. 1302
1303
1304
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~~(C)~~ (D) A board of education may contract with any of the following preschool providers to provide services to preschool-age children, other than those services for which the district is eligible to receive funding under section 3317.0213 of the Revised Code: 1306
1307
1308
1309
1310

(1) Any organization receiving funds under the "Head Start Act"; 1311
1312

(2) Any nonsectarian eligible nonpublic school as defined in division (H) of section 3301.52 of the Revised Code; 1313
1314

(3) Any child care provider licensed under Chapter 5104. 1315
of the Revised Code. 1316

Boards may contract to provide services to preschool-age 1317
children only with such organizations whose staff meet the 1318
requirements of rules adopted under section 3301.53 of the 1319
Revised Code or those of the child development associate 1320
credential established by the national association for the 1321
education of young children. 1322

~~(D)~~(E) A contract entered into under division ~~(C)~~(D) of 1323
this section may provide for the board of education to lease 1324
school facilities to the preschool provider or to furnish 1325
transportation, utilities, or staff for the preschool program. 1326

~~(E)~~(F) The treasurer of any board of education operating a 1327
preschool program pursuant to this section shall keep an account 1328
of all funds used to operate the program in the same manner as 1329
the treasurer would any other funds of the district pursuant to 1330
this chapter. 1331

Sec. 3313.6415. (A) As used in this section: 1332

(1) "Eligible operator" means any of the following: 1333

(a) The board of education of a city, exempted village, or 1334
local school district that is adjacent to a school district 1335
seeking to outsource its preschool program; 1336

(b) A community school established under Chapter 3314. of 1337
the Revised Code that meets all of the following: 1338

(i) The community school's operator as defined in section 1339
3314.02 of the Revised Code is a nonprofit organization; 1340

(ii) The community school is not under an exemption or 1341
waiver from any department of education and workforce oversight, 1342

<u>ratings, or regulations;</u>	1343
<u>(iii) The community school is not under an exemption or</u>	1344
<u>waiver from the permanent closure criteria under section 3314.35</u>	1345
<u>of the Revised Code.</u>	1346
<u>(c) A STEM school established under Chapter 3326. of the</u>	1347
<u>Revised Code;</u>	1348
<u>(d) An eligible nonpublic school, as defined in section</u>	1349
<u>3301.52 of the Revised Code, that does not have a religious</u>	1350
<u>affiliation;</u>	1351
<u>(e) An organization operated by a county, municipal</u>	1352
<u>corporation, or subdivision of a municipal corporation;</u>	1353
<u>(f) A child care center, as defined in section 5104.01 of</u>	1354
<u>the Revised Code, that is either of the following:</u>	1355
<u>(i) Operated by a secular nonprofit organization;</u>	1356
<u>(ii) Operated by a secular for-profit organization and the</u>	1357
<u>child care center's preschool program has received a step up to</u>	1358
<u>quality rating of four stars or higher under section 5104.29 of</u>	1359
<u>the Revised Code.</u>	1360
<u>(2) "Qualifying preschool program" means an existing</u>	1361
<u>preschool program licensed under sections 3301.52 to 3301.59 of</u>	1362
<u>the Revised Code or an existing child care center licensed under</u>	1363
<u>section 5104.02 of the Revised Code that offers preschool</u>	1364
<u>programming that meets both of the following:</u>	1365
<u>(a) The preschool program or child care center is operated</u>	1366
<u>by an eligible operator;</u>	1367
<u>(b) The preschool program or child care center meets</u>	1368
<u>either of the following:</u>	1369

(i) The preschool program or child care center is located 1370
within the school district and has received a step up to quality 1371
rating of three stars or higher under section 5104.29 of the 1372
Revised Code or an equivalent rating under division (D) of this 1373
section; 1374

(ii) The preschool program or child care center is located 1375
within an adjacent school district and has received a step up to 1376
quality rating of four stars or higher under section 5104.29 of 1377
the Revised Code or an equivalent rating under division (D) of 1378
this section. 1379

(B) In lieu of operating a preschool program under section 1380
3313.646 of the Revised Code, the board of education of a city, 1381
exempted village, or local school district may contract with one 1382
or more qualifying preschool programs to offer a preschool 1383
program on behalf of the school district or to offer a joint 1384
preschool program. A preschool program operated under this 1385
section shall comply with the requirements in sections 3301.52 1386
to 3301.59 of the Revised Code and the rules adopted under those 1387
sections. A board shall administer the enrollment process for a 1388
preschool program operated under this section. A board may 1389
charge tuition for a preschool program operated under this 1390
section. If a board charges tuition, it shall do so under 1391
section 3317.083 of the Revised Code. 1392

(C) (1) Prior to entering into a contract under this 1393
section, the district board shall do the following: 1394

(a) Hold a public hearing and adopt a resolution outlining 1395
the district's rules for outsourcing a preschool program or 1396
forming a joint preschool program; 1397

(b) After adopting such a resolution, hold a public 1398

hearing during which the prospective eligible operator shall 1399
give a presentation on the eligible operator's preschool program 1400
and answer questions from attendees. 1401

(2) A district board that has outsourced its preschool 1402
program shall hold a public hearing and adopt a resolution to 1403
renew or update its preschool outsourcing rules at least every 1404
two years. 1405

(D) The department of children and youth shall develop a 1406
rating system using identical components and rating standards to 1407
the step up to quality program created under section 5104.29 of 1408
the Revised Code. The department shall develop and administer a 1409
process under which preschool programs and child care centers 1410
may request a rating for the purpose of becoming a qualifying 1411
preschool program under this section. 1412

Sec. 3313.842. (A) The boards of education or governing 1413
authorities of any two or more school districts or community 1414
schools may enter into an agreement for joint or cooperative 1415
establishment and operation of any educational program including 1416
any class, course, or program that may be included in a school 1417
district's or community school's graded course of study and 1418
staff development programs for teaching and nonteaching school 1419
employees. Each school district or community school that is 1420
party to such an agreement may contribute funds of the district 1421
or school in support of the agreement and for the establishment 1422
and operation of any educational program established under the 1423
agreement. The agreement shall designate one of the districts or 1424
community schools as responsible for receiving and disbursing 1425
the funds contributed by the parties to the agreement. 1426

(B) Notwithstanding sections 3313.48 and 3313.64 of the 1427
Revised Code, any school district that is party to an agreement 1428

for joint or cooperative establishment and operation of an 1429
educational program may charge fees or tuition for students who 1430
participate in the program and are entitled to attend school in 1431
the district under section 3313.64 or 3313.65 of the Revised 1432
Code. ~~Except as otherwise provided in division (C) of section~~ 1433
~~3321.01 of the Revised Code, no community school that is party~~ 1434
~~to the agreement shall charge fees or tuition for students who~~ 1435
~~participate in the program and are reported by the school under~~ 1436
~~division (B) of section 3314.08 of the Revised Code.~~ 1437

Sec. 3313.98. Notwithstanding division (D) of section 1438
3311.19 and division (D) of section 3311.52 of the Revised Code, 1439
the provisions of this section and sections 3313.981 to 3313.983 1440
of the Revised Code that apply to a city school district do not 1441
apply to a joint vocational or cooperative education school 1442
district unless expressly specified. 1443

(A) As used in this section and sections 3313.981 to 1444
3313.983 of the Revised Code: 1445

(1) "Parent" means either of the natural or adoptive 1446
parents of a student, except under the following conditions: 1447

(a) When the marriage of the natural or adoptive parents 1448
of the student has been terminated by a divorce, dissolution of 1449
marriage, or annulment or the natural or adoptive parents of the 1450
student are living separate and apart under a legal separation 1451
decree and the court has issued an order allocating the parental 1452
rights and responsibilities with respect to the student, 1453
"parent" means the residential parent as designated by the court 1454
except that "parent" means either parent when the court issues a 1455
shared parenting decree. 1456

(b) When a court has granted temporary or permanent 1457

custody of the student to an individual or agency other than 1458
either of the natural or adoptive parents of the student, 1459
"parent" means the legal custodian of the child. 1460

(c) When a court has appointed a guardian for the student, 1461
"parent" means the guardian of the student. 1462

(2) "Native student" means a student entitled under 1463
section 3313.64 or 3313.65 of the Revised Code to attend school 1464
in a district adopting a resolution under this section. 1465

(3) "Adjacent district" means a city, exempted village, or 1466
local school district having territory that abuts the territory 1467
of a district adopting a resolution under this section. 1468

(4) "Adjacent district student" means a student entitled 1469
under section 3313.64 or 3313.65 of the Revised Code to attend 1470
school in an adjacent district. 1471

(5) "Adjacent district joint vocational student" means an 1472
adjacent district student who enrolls in a city, exempted 1473
village, or local school district pursuant to this section and 1474
who also enrolls in a joint vocational school district that does 1475
not contain the territory of the district for which that student 1476
is a native student and does contain the territory of the city, 1477
exempted village, or local district in which the student 1478
enrolls. 1479

(6) "Poverty line" means the poverty line established by 1480
the director of the United States office of management and 1481
budget as revised by the secretary of health and human services 1482
in accordance with section 673(2) of the "Community Services 1483
Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902, as amended. 1484

(7) "IEP" has the same meaning as in section 3323.01 of 1485
the Revised Code. 1486

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

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

(10) "Other district joint vocational student" means a student who is enrolled in any city, exempted village, or local school district and who also enrolls in a joint vocational school district that does not contain the territory of the district for which that student is a native student in accordance with a policy adopted under section 3313.983 of the Revised Code.

(11) "Active duty member" means a member of the armed forces of the United States who is on full-time duty.

(12) "Armed forces" means the United States army, navy, air force, space force, marine corps, and coast guard.

(13) "Preschool program" has the same meaning as in section 3317.02 of the Revised Code.

(B) (1) Subject to division (I) of this section, the board of education of each city, local, and exempted village school district shall adopt a resolution establishing for the school district one of the following policies:

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

(b) A policy that permits enrollment of students from all

adjacent districts in accordance with policy statements 1515
contained in the resolution; 1516

(c) A policy that permits enrollment of students from all 1517
other districts in accordance with policy statements contained 1518
in the resolution. 1519

(2) A policy permitting enrollment of students from 1520
adjacent or from other districts, as applicable, shall provide 1521
for all of the following: 1522

(a) Application procedures, including deadlines for 1523
application and for notification of students and the 1524
superintendent of the applicable district whenever an adjacent 1525
or other district student's application is approved. 1526

(b) Procedures for admitting adjacent or other district 1527
applicants free of any tuition obligation to the district's 1528
schools, including, but not limited to: 1529

(i) The establishment of district capacity limits by grade 1530
level, school building, and education program; 1531

(ii) A requirement that all native students wishing to be 1532
enrolled in the district will be enrolled and that any adjacent 1533
or other district students previously enrolled in the district 1534
shall receive preference over first-time applicants; 1535

(iii) Procedures to ensure that an appropriate racial 1536
balance is maintained in the district schools. 1537

(C) Except as provided in section 3313.982 of the Revised 1538
Code, the procedures for admitting adjacent or other district 1539
students, as applicable, shall not include: 1540

(1) Any requirement of academic ability, or any level of 1541
athletic, artistic, or other extracurricular skills; 1542

(2) Limitations on admitting applicants because of 1543
disability, except that a board may refuse to admit a student 1544
receiving services under Chapter 3323. of the Revised Code, if 1545
the services described in the student's IEP are not available in 1546
the district's schools; 1547

(3) A requirement that the student be proficient in the 1548
English language; 1549

(4) Rejection of any applicant because the student has 1550
been subject to disciplinary proceedings, except that if an 1551
applicant has been suspended or expelled by the student's 1552
district for ten consecutive days or more in the term for which 1553
admission is sought or in the term immediately preceding the 1554
term for which admission is sought, the procedures may include a 1555
provision denying admission of such applicant. 1556

(D) (1) Each school board permitting only enrollment of 1557
adjacent district students shall provide information about the 1558
policy adopted under this section, including the application 1559
procedures and deadlines, to the superintendent and the board of 1560
education of each adjacent district and, upon request, to the 1561
parent of any adjacent district student. 1562

(2) Each school board permitting enrollment of other 1563
district students shall provide information about the policy 1564
adopted under this section, including the application procedures 1565
and deadlines, upon request, to the board of education of any 1566
other school district or to the parent of any student anywhere 1567
in the state. 1568

(E) Any school board shall accept all credits toward 1569
graduation earned in adjacent or other district schools by an 1570
adjacent or other district student or a native student. 1571

(F) (1) No board of education may adopt a policy 1572
discouraging or prohibiting its native students from applying to 1573
enroll in the schools of an adjacent or any other district that 1574
has adopted a policy permitting such enrollment, except that a 1575
district may object to the enrollment of a native student in an 1576
adjacent or other district in order to maintain an appropriate 1577
racial balance. 1578

(2) If a board objects to enrollment of native students 1579
under this division, any adjacent or other district shall refuse 1580
to enroll such native students unless tuition is paid for the 1581
students in accordance with section 3317.08 of the Revised Code. 1582
An adjacent or other district enrolling such students may not 1583
receive funding for those students in accordance with section 1584
3313.981 of the Revised Code. 1585

(G) The department of education and workforce shall 1586
monitor school districts to ensure compliance with this section 1587
and the districts' policies. The department may adopt rules 1588
requiring uniform application procedures, deadlines for 1589
application, notification procedures, and record-keeping 1590
requirements for all school boards that adopt policies 1591
permitting the enrollment of adjacent or other district 1592
students, as applicable. If the department adopts such rules, no 1593
school board shall adopt a policy that conflicts with those 1594
rules. 1595

(H) A resolution adopted by a board of education under 1596
this section that entirely prohibits the enrollment of students 1597
from adjacent and from other school districts does not abrogate 1598
any agreement entered into under section 3313.841 or 3313.92 of 1599
the Revised Code or any contract entered into under section 1600
3313.90 of the Revised Code between the board of education 1601

adopting the resolution and the board of education of any 1602
adjacent or other district or prohibit these boards of education 1603
from entering into any such agreement or contract. 1604

(I) Notwithstanding anything to the contrary in this 1605
section or section 3313.981 of the Revised Code, all of the 1606
following apply: 1607

(1) A policy adopted by a city, exempted village, or local 1608
school district board of education under division (B) (1) (a) or 1609
(b) of this section shall permit any student who is not a native 1610
student of the district to enroll in the district if both of the 1611
following apply: 1612

(a) The student's parent is an active duty member of the 1613
armed forces stationed in the state. 1614

(b) The student's parent provides to the district a copy 1615
of the parent's official written order verifying the parent's 1616
status as an active duty member of the armed forces. 1617

(2) In enrolling a student pursuant to division (I) of 1618
this section, a district shall comply with procedures prescribed 1619
under divisions (B) (2) and (C) of this section, except as 1620
provided in division (I) (6) of this section. In addition, the 1621
district shall not require tuition to be paid for the student's 1622
enrollment in the district. 1623

(3) A student who, pursuant to this division, enrolls in a 1624
district that has adopted a policy under division (B) (1) (a) of 1625
this section and who is not a native student of that district 1626
shall, for the purposes of sections 3313.981, 3315.18, 3317.03, 1627
and 3318.011 of the Revised Code, be considered as an "other 1628
district student" who enrolls in a district that has adopted a 1629
policy under division (B) (1) (c) of this section. Such student 1630

also shall receive transportation services under section 1631
3313.981 of the Revised Code in the same manner as an "other 1632
district student." 1633

(4) A student who, pursuant to this division, enrolls in a 1634
district that has adopted a policy under division (B) (1) (b) of 1635
this section and who is not a native student of the district or 1636
an adjacent district shall, nevertheless, be considered an 1637
"adjacent district student" for the purposes of sections 1638
3313.981, 3315.18, and 3317.03 of the Revised Code. 1639

(5) A student who, pursuant to this division, enrolls in a 1640
district that has adopted a policy under division (B) (1) (b) of 1641
this section and whose parent is subsequently discharged or 1642
released from active duty shall be permitted to attend school in 1643
that district and receive transportation services under section 1644
3313.981 of the Revised Code in the same manner as an "other 1645
district student" for the remainder of the school year in which 1646
the parent is discharged or released from active duty. After the 1647
conclusion of that school year, that student shall not be 1648
eligible under this division, as long as the student does not 1649
have a parent on active duty. 1650

(6) A school district that enrolls a student under 1651
division (I) of this section, or that enrolls a student 1652
described in division (I) (1) of this section under division (B) 1653
(1) (c) of this section, shall not require the student to comply 1654
with any application deadline established under division (B) (2) 1655
of this section. 1656

(J) Nothing in this section shall be construed to permit 1657
or require the board of education of a city, exempted village, 1658
or local school district to exclude any native student of the 1659
district from enrolling in the district. 1660

Sec. 3313.981. (A) The department of education and 1661
workforce shall adopt rules requiring all of the following: 1662

(1) The board of education of each city, exempted village, 1663
and local school district to annually report to the department 1664
all of the following: 1665

(a) The number of adjacent district or other district 1666
students in grades kindergarten through twelve, as applicable, 1667
the number of adjacent district or other district students who 1668
are enrolled in a preschool-children with disabilities program 1669
operated by the district, as applicable, and the number of 1670
adjacent district or other district joint vocational students, 1671
as applicable, enrolled in the district, in accordance with a 1672
policy adopted under division (B) of section 3313.98 of the 1673
Revised Code; 1674

(b) The number of native students in grades kindergarten 1675
through twelve enrolled in adjacent or other districts and the 1676
number of native students who are enrolled in a preschool 1677
children with disabilities enrolled in program operated by the 1678
adjacent or other districts, in accordance with a policy adopted 1679
under division (B) of section 3313.98 of the Revised Code; 1680

(c) Each adjacent district or other district student's or 1681
adjacent district or other district joint vocational student's 1682
date of enrollment in the district; 1683

(d) The full-time equivalent number of adjacent district 1684
or other district students enrolled in each of the categories of 1685
career-technical education programs or classes described in 1686
section 3317.014 of the Revised Code; 1687

(e) Each native student's date of enrollment in an 1688
adjacent or other district. 1689

(2) The board of education of each joint vocational school district to annually report to the department all of the following:

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

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

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

(3) Prior to the end of each reporting period specified in section 3317.03 of the Revised Code, the superintendent of each city, local, or exempted village school district that admits adjacent district or other district students who are in grades kindergarten through twelve, adjacent district or other district students who are enrolled in a preschool-children with disabilities program operated by the district, or adjacent district or other district joint vocational students in accordance with a policy adopted under division (B) of section 3313.98 of the Revised Code to report to the department each adjacent or other district's students and where those students who are enrolled in the superintendent's district under the policy are entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

The rules shall provide for the method of counting students who are enrolled for part of a school year in an

adjacent or other district or as an adjacent district or other 1719
district joint vocational student. 1720

~~(B) From the payments made to a city, exempted village, or 1721
local school district under Chapter 3317. of the Revised Code 1722
and, if necessary, from the payments made to the district under 1723
sections 321.24 and 323.156 of the Revised Code, the department 1724
shall annually subtract, for each native student who is a 1725
preschool child with a disability reported under division (A) (1) 1726
of this section who is enrolled in an adjacent or other district 1727
pursuant to policies adopted by such a district under division 1728
(B) of section 3313.98 of the Revised Code, \$4,000. 1729~~

~~(C) To the payments made to a city, exempted village, or 1730
local school district under Chapter 3317. of the Revised Code, 1731
the department shall annually add, for each adjacent district or 1732
other district student who is a preschool child with a 1733
disability reported under division (A) (1) of this section who is 1734
enrolled in the district, \$4,000. 1735~~

~~(D) No city, exempted village, or local school district 1736
shall receive a payment under division (C) of this section for a 1737
student if for the same school year that student is counted in 1738
the district's enrollment certified under section 3317.03 of the 1739
Revised Code. 1740~~

~~(E) Upon request of a parent, and provided the board 1741
offers transportation to native students of the same grade level 1742
and distance from school under section 3327.01 of the Revised 1743
Code, a city, exempted village, or local school board enrolling 1744
an adjacent or other district student shall provide 1745
transportation for the student within the boundaries of the 1746
board's district, except that the board shall be required to 1747
pick up and drop off a nonhandicapped student only at a regular 1748~~

school bus stop designated in accordance with the board's 1749
transportation policy. Pursuant to rules of the department, such 1750
board may reimburse the parent from funds received for pupil 1751
transportation under section 3317.0212 of the Revised Code, or 1752
other provisions of law, for the reasonable cost of 1753
transportation from the student's home to the designated school 1754
bus stop if the student's family has an income below the federal 1755
poverty line. 1756

Sec. 3314.03. A copy of every contract entered into under 1757
this section shall be filed with the director of education and 1758
workforce. The department of education and workforce shall make 1759
available on its web site a copy of every approved, executed 1760
contract filed with the director under this section. 1761

(A) Each contract entered into between a sponsor and the 1762
governing authority of a community school shall specify the 1763
following: 1764

(1) That the school shall be established as either of the 1765
following: 1766

(a) A nonprofit corporation established under Chapter 1767
1702. of the Revised Code, if established prior to April 8, 1768
2003; 1769

(b) A public benefit corporation established under Chapter 1770
1702. of the Revised Code, if established after April 8, 2003. 1771

(2) The education program of the school, including the 1772
school's mission and educational philosophy, the characteristics 1773
of the students the school is expected to attract, the ages and 1774
grades of students, and the focus of the curriculum; 1775

(3) The academic goals to be achieved and the method of 1776
measurement that will be used to determine progress toward those 1777

goals, which shall include the statewide achievement	1778
assessments;	1779
(4) Performance standards, including but not limited to	1780
all applicable report card measures set forth in section 3302.03	1781
or 3314.017 of the Revised Code, by which the success of the	1782
school will be evaluated by the sponsor;	1783
(5) The admission standards of section 3314.06 of the	1784
Revised Code and, if applicable, section 3314.061 of the Revised	1785
Code;	1786
(6) (a) Dismissal procedures;	1787
(b) A requirement that the governing authority adopt an	1788
attendance policy that includes a procedure for automatically	1789
withdrawing a student from the school if the student without a	1790
legitimate excuse fails to participate in seventy-two	1791
consecutive hours of the learning opportunities offered to the	1792
student.	1793
(7) The ways by which the school will achieve racial and	1794
ethnic balance reflective of the community it serves;	1795
(8) Requirements for financial audits by the auditor of	1796
state. The contract shall require financial records of the	1797
school to be maintained in the same manner as are financial	1798
records of school districts, pursuant to rules of the auditor of	1799
state. Audits shall be conducted in accordance with section	1800
117.10 of the Revised Code.	1801
(9) An addendum to the contract outlining the facilities	1802
to be used that contains at least the following information:	1803
(a) A detailed description of each facility used for	1804
instructional purposes;	1805

(b) The annual costs associated with leasing each facility	1806
that are paid by or on behalf of the school;	1807
(c) The annual mortgage principal and interest payments	1808
that are paid by the school;	1809
(d) The name of the lender or landlord, identified as	1810
such, and the lender's or landlord's relationship to the	1811
operator, if any.	1812
(10) Qualifications of employees, including both of the	1813
following:	1814
(a) A requirement that the school's classroom teachers be	1815
licensed in accordance with sections 3319.22 to 3319.31 of the	1816
Revised Code, except that a community school may engage	1817
noncertificated persons to teach up to twelve hours or forty	1818
hours per week pursuant to section 3319.301 of the Revised Code;	1819
(b) A prohibition against the school employing an	1820
individual described in section 3314.104 of the Revised Code in	1821
any position.	1822
(11) That the school will comply with the following	1823
requirements:	1824
(a) The school will provide learning opportunities to a	1825
minimum of twenty-five students for a minimum of nine hundred	1826
twenty hours per school year.	1827
(b) The governing authority will purchase liability	1828
insurance, or otherwise provide for the potential liability of	1829
the school.	1830
(c) The school will be nonsectarian in its programs,	1831
admission policies, employment practices, and all other	1832
operations, and will not be operated by a sectarian school or	1833

religious institution. 1834

(d) The school will comply with sections 9.90, 9.91, 1835
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 1836
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.24, 3301.948, 1837
3302.037, 3313.472, 3313.473, 3313.474, 3313.50, 3313.539, 1838
3313.5310, 3313.5318, 3313.5319, 3313.608, 3313.609, 3313.6012, 1839
3313.6013, 3313.6014, 3313.6020, 3313.6024, 3313.6026, 1840
3313.6028, 3313.6029, 3313.6031, 3313.643, 3313.648, 3313.6411, 1841
3313.6413, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 1842
3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 1843
3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 1844
3313.7112, 3313.7117, 3313.721, 3313.753, 3313.80, 3313.814, 1845
3313.816, 3313.817, 3313.818, 3313.819, 3313.8110, 3313.86, 1846
3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 3319.0812, 1847
3319.238, 3319.318, 3319.321, 3319.324, 3319.39, 3319.391, 1848
3319.393, 3319.41, 3319.46, 3319.90, 3319.614, 3320.01, 3320.02, 1849
3320.03, 3320.04, 3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 1850
3321.141, 3321.17, 3321.18, 3321.19, 3322.20, 3322.24, 3323.251, 1851
3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and 1852
Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., 1853
and 4167. of the Revised Code as if it were a school district 1854
and will comply with section 3301.0714 of the Revised Code in 1855
the manner specified in section 3314.17 of the Revised Code. 1856

(e) The school shall comply with Chapter 102. and section 1857
2921.42 of the Revised Code. 1858

(f) The school will comply with sections 3313.61, 1859
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 1860
Revised Code, except that for students who enter ninth grade for 1861
the first time before July 1, 2010, the requirement in sections 1862
3313.61 and 3313.611 of the Revised Code that a person must 1863

successfully complete the curriculum in any high school prior to 1864
receiving a high school diploma may be met by completing the 1865
curriculum adopted by the governing authority of the community 1866
school rather than the curriculum specified in Title XXXIII of 1867
the Revised Code or any rules of the department. Beginning with 1868
students who enter ninth grade for the first time on or after 1869
July 1, 2010, the requirement in sections 3313.61 and 3313.611 1870
of the Revised Code that a person must successfully complete the 1871
curriculum of a high school prior to receiving a high school 1872
diploma shall be met by completing the requirements prescribed 1873
in section 3313.6027 and division (C) of section 3313.603 of the 1874
Revised Code, unless the person qualifies under division (D) or 1875
(F) of that section. Each school shall comply with the plan for 1876
awarding high school credit based on demonstration of subject 1877
area competency, and beginning with the 2017-2018 school year, 1878
with the updated plan that permits students enrolled in seventh 1879
and eighth grade to meet curriculum requirements based on 1880
subject area competency adopted by the department under 1881
divisions (J) (1) and (2) of section 3313.603 of the Revised 1882
Code. Beginning with the 2018-2019 school year, the school shall 1883
comply with the framework for granting units of high school 1884
credit to students who demonstrate subject area competency 1885
through work-based learning experiences, internships, or 1886
cooperative education developed by the department under division 1887
(J) (3) of section 3313.603 of the Revised Code. 1888

(g) The school governing authority will submit within four 1889
months after the end of each school year a report of its 1890
activities and progress in meeting the goals and standards of 1891
divisions (A) (3) and (4) of this section and its financial 1892
status to the sponsor and the parents of all students enrolled 1893
in the school. 1894

(h) The school, unless it is an internet- or computer- 1895
based community school, will comply with section 3313.801 of the 1896
Revised Code as if it were a school district. 1897

(i) If the school is the recipient of moneys from a grant 1898
awarded under the federal race to the top program, Division (A), 1899
Title XIV, Sections 14005 and 14006 of the "American Recovery 1900
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 1901
the school will pay teachers based upon performance in 1902
accordance with section 3317.141 and will comply with section 1903
3319.111 of the Revised Code as if it were a school district. 1904

(j) If the school operates a preschool program that is 1905
licensed by the department under sections 3301.52 to 3301.59 of 1906
the Revised Code, the school shall comply with sections 3301.50 1907
to 3301.59 of the Revised Code and the minimum standards for 1908
preschool programs prescribed in rules adopted by the department 1909
of children and youth under section 3301.53 of the Revised Code. 1910

(k) The school will comply with sections 3313.6021 and 1911
3313.6023 of the Revised Code as if it were a school district 1912
unless it is either of the following: 1913

(i) An internet- or computer-based community school; 1914

(ii) A community school in which a majority of the 1915
enrolled students are children with disabilities as described in 1916
division (B) (2) of section 3314.35 of the Revised Code. 1917

(l) The school will comply with section 3321.191 of the 1918
Revised Code, unless it is an internet- or computer-based 1919
community school that is subject to section 3314.261 of the 1920
Revised Code. 1921

(m) The school will comply with section 3313.7118 of the 1922
Revised Code if it serves elementary school students. 1923

(12) Arrangements for providing health and other benefits to employees;	1924 1925
(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (D) of this section.	1926 1927 1928 1929
(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;	1930 1931
(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year.	1932 1933 1934
(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;	1935 1936 1937 1938
(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, both of the following:	1939 1940 1941 1942 1943
(a) Specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;	1944 1945 1946 1947 1948 1949 1950
(b) Alternative arrangements for current public school students who choose not to attend the converted school and for	1951 1952

teachers who choose not to teach in the school or building after conversion.	1953 1954
(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;	1955 1956 1957
(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:	1958 1959 1960 1961 1962 1963
(a) Prohibit the enrollment of students who reside outside the district in which the school is located;	1964 1965
(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	1966 1967 1968
(c) Permit the enrollment of students who reside in any other district in the state.	1969 1970
(20) A provision recognizing the authority of the department to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;	1971 1972 1973 1974
(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;	1975 1976 1977
(22) A provision recognizing both of the following:	1978
(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities	1979 1980

closed if those officials find that the facilities are not in 1981
compliance with health and safety laws and regulations; 1982

(b) The authority of the department as the community 1983
school oversight body to suspend the operation of the school 1984
under section 3314.072 of the Revised Code if the department has 1985
evidence of conditions or violations of law at the school that 1986
pose an imminent danger to the health and safety of the school's 1987
students and employees and the sponsor refuses to take such 1988
action. 1989

(23) A description of the learning opportunities that will 1990
be offered to students including both classroom-based and non- 1991
classroom-based learning opportunities that is in compliance 1992
with criteria for student participation established by the 1993
department under division (H) (2) of section 3314.08 of the 1994
Revised Code; 1995

(24) The school will comply with sections 3302.04 and 1996
3302.041 of the Revised Code, except that any action required to 1997
be taken by a school district pursuant to those sections shall 1998
be taken by the sponsor of the school. 1999

(25) Beginning in the 2006-2007 school year, the school 2000
will open for operation not later than the thirtieth day of 2001
September each school year, unless the mission of the school as 2002
specified under division (A) (2) of this section is solely to 2003
serve dropouts. In its initial year of operation, if the school 2004
fails to open by the thirtieth day of September, or within one 2005
year after the adoption of the contract pursuant to division (D) 2006
of section 3314.02 of the Revised Code if the mission of the 2007
school is solely to serve dropouts, the contract shall be void. 2008

(26) Whether the school's governing authority is planning 2009

to seek designation for the school as a STEM school equivalent	2010
under section 3326.032 of the Revised Code;	2011
(27) That the school's attendance and participation	2012
policies will be available for public inspection;	2013
(28) That the school's attendance and participation	2014
records shall be made available to the department, auditor of	2015
state, and school's sponsor to the extent permitted under and in	2016
accordance with the "Family Educational Rights and Privacy Act	2017
of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any	2018
regulations promulgated under that act, and section 3319.321 of	2019
the Revised Code;	2020
(29) If a school operates using the blended learning	2021
model, as defined in section 3301.079 of the Revised Code, all	2022
of the following information:	2023
(a) An indication of what blended learning model or models	2024
will be used;	2025
(b) A description of how student instructional needs will	2026
be determined and documented;	2027
(c) The method to be used for determining competency,	2028
granting credit, and promoting students to a higher grade level;	2029
(d) The school's attendance requirements, including how	2030
the school will document participation in learning	2031
opportunities;	2032
(e) A statement describing how student progress will be	2033
monitored;	2034
(f) A statement describing how private student data will	2035
be protected;	2036

(g) A description of the professional development activities that will be offered to teachers.	2037 2038
(30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear interest at a fair market rate;	2039 2040 2041 2042
(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.	2043 2044 2045 2046 2047
(32) A provision requiring the governing authority to adopt an enrollment and attendance policy that requires a student's parent to notify the community school in which the student is enrolled when there is a change in the location of the parent's or student's primary residence.	2048 2049 2050 2051 2052
(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.	2053 2054 2055
(34) A provision establishing the process by which the governing authority of the school will be selected in the future.	2056 2057 2058
(35) A description of the management and administration of the school.	2059 2060
(36) A provision requiring the governing authority to adopt policies and procedures to establish internal financial controls for the school.	2061 2062 2063
(B) A contract entered into under section 3314.02 of the	2064

Revised Code between a sponsor and the governing authority of a 2065
community school may provide for the community school governing 2066
authority to make payments to the sponsor, which is hereby 2067
authorized to receive such payments as set forth in the contract 2068
between the governing authority and the sponsor. The total 2069
amount of such payments for monitoring, oversight, and technical 2070
assistance of the school shall not exceed three per cent of the 2071
total amount of payments for operating expenses that the school 2072
receives from the state. 2073

(C) The contract shall specify the duties of the sponsor 2074
which shall be in accordance with the written agreement entered 2075
into with the department under division (B) of section 3314.015 2076
of the Revised Code and shall include the following: 2077

(1) Monitor the community school's compliance with all 2078
laws applicable to the school and with the terms of the 2079
contract; 2080

(2) Monitor and evaluate the academic and fiscal 2081
performance and the organization and operation of the community 2082
school on at least an annual basis; 2083

(3) Provide technical assistance to the community school 2084
in complying with laws applicable to the school and terms of the 2085
contract; 2086

(4) Take steps to intervene in the school's operation to 2087
correct problems in the school's overall performance, declare 2088
the school to be on probationary status pursuant to section 2089
3314.073 of the Revised Code, suspend the operation of the 2090
school pursuant to section 3314.072 of the Revised Code, or 2091
terminate the contract of the school pursuant to section 3314.07 2092
of the Revised Code as determined necessary by the sponsor; 2093

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

(D) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code.

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

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

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

(2) "Preschool program" has the same meaning as in section 3317.02 of the Revised Code.

(3) "Resident district" means the school district in which

a student is entitled to attend school under section 3313.64 or	2123
3313.65 of the Revised Code.	2124
(B) The department of education and workforce shall adopt	2125
rules requiring the governing authority of each community school	2126
established under this chapter to annually report all of the	2127
following:	2128
(1) The number of students enrolled in grades one through	2129
twelve and the full-time equivalent number of students enrolled	2130
in kindergarten in the school <u>and a preschool operated by the</u>	2131
<u>school</u> who are not receiving special education and related	2132
services pursuant to an IEP;	2133
(2) The number of enrolled students in grades one through	2134
twelve and the full-time equivalent number of enrolled students	2135
in kindergarten <u>or a preschool operated by the school</u> , who are	2136
receiving special education and related services pursuant to an	2137
IEP;	2138
(3) The number of students reported under division (B) (2)	2139
of this section receiving special education and related services	2140
pursuant to an IEP for a disability described in each of	2141
divisions (A) to (F) of section 3317.013 of the Revised Code;	2142
(4) The full-time equivalent number of students reported	2143
under divisions (B) (1) and (2) of this section who are enrolled	2144
in career-technical education programs or classes described in	2145
each of divisions (A) (1) to (5) of section 3317.014 of the	2146
Revised Code that are provided by the community school;	2147
(5) The number of students reported under divisions (B) (1)	2148
and (2) of this section who are not reported under division (B)	2149
(4) of this section but who are enrolled in career-technical	2150
education programs or classes described in each of divisions (A)	2151

(1) to (5) of section 3317.014 of the Revised Code at a joint vocational school district or another district in the career-technical planning district to which the school is assigned;

(6) The number of students reported under divisions (B) (1) and (2) of this section who are category one to three English learners described in each of divisions (A) to (C) of section 3317.016 of the Revised Code;

(7) The number of students reported under divisions (B) (1) and (2) of this section who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (B) (7) of this section based on anything other than family income.

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

~~(9) The number of students enrolled in a preschool program operated by the school that is licensed under sections 3301.52 to 3301.59 of the Revised Code who are not receiving special education and related services pursuant to an IEP.~~

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

A governing authority of a community school shall not include in its report under divisions (B) (1) to ~~(9)~~ (8) of this section any student for whom tuition is charged under division (F) of this section.

(C) (1) (a) If a community school's costs for a fiscal year for a student receiving special education and related services

pursuant to an IEP for a disability described in divisions (B) 2181
to (F) of section 3317.013 of the Revised Code exceed the 2182
threshold cost for serving the student as specified in division 2183
(B) of section 3317.0214 of the Revised Code, the school may 2184
submit to the director of education and workforce documentation, 2185
as prescribed by the director, of all its costs for that 2186
student. Upon submission of documentation for a student of the 2187
type and in the manner prescribed, the department shall pay to 2188
the community school an amount equal to the school's costs for 2189
the student in excess of the threshold costs. 2190

(b) The community school shall report under division (C) 2191
(1)(a) of this section, and the department shall pay for, only 2192
the costs of educational expenses and the related services 2193
provided to the student in accordance with the student's 2194
individualized education program. Any legal fees, court costs, 2195
or other costs associated with any cause of action relating to 2196
the student may not be included in the amount. 2197

(2) In any fiscal year, a community school receiving funds 2198
under division (A) (7) of section 3317.022 of the Revised Code 2199
shall spend those funds only for the purposes that the 2200
department designates as approved for career-technical education 2201
expenses. Career-technical education expenses approved by the 2202
department shall include only expenses connected to the delivery 2203
of career-technical programming to career-technical students. 2204
The department shall require the school to report data annually 2205
so that the department may monitor the school's compliance with 2206
the requirements regarding the manner in which funding received 2207
under division (A) (7) of section 3317.022 of the Revised Code 2208
may be spent. 2209

(3) Notwithstanding anything to the contrary in section 2210

3313.90 of the Revised Code, except as provided in division (C) 2211
(5) of this section, all funds received under division (A) (7) of 2212
section 3317.022 of the Revised Code shall be spent in the 2213
following manner: 2214

(a) At least seventy-five per cent of the funds shall be 2215
spent on curriculum development, purchase, and implementation; 2216
instructional resources and supplies; industry-based program 2217
certification; student assessment, credentialing, and placement; 2218
curriculum specific equipment purchases and leases; career- 2219
technical student organization fees and expenses; home and 2220
agency linkages; work-based learning experiences; professional 2221
development; and other costs directly associated with career- 2222
technical education programs including development of new 2223
programs. 2224

(b) Not more than twenty-five per cent of the funds shall 2225
be used for personnel expenditures. 2226

(4) A community school shall spend the funds it receives 2227
under division (A) (4) of section 3317.022 of the Revised Code in 2228
accordance with section 3317.25 of the Revised Code. 2229

(5) The department may waive the requirement in division 2230
(C) (3) of this section for any community school that exclusively 2231
provides one or more career-technical workforce development 2232
programs in arts and communications that are not equipment- 2233
intensive, as determined by the department. 2234

(6) For fiscal years 2026 and 2027, a community school 2235
shall spend the funds it receives under division (A) (5) of 2236
section 3317.022 of the Revised Code only for services for 2237
English learners. 2238

(D) A board of education sponsoring a community school may 2239

utilize local funds to make enhancement grants to the school or 2240
may agree, either as part of the contract or separately, to 2241
provide any specific services to the community school at no cost 2242
to the school. 2243

(E) A community school may not levy taxes or issue bonds 2244
secured by tax revenues. 2245

(F) No community school shall charge tuition for the 2246
enrollment of any student who is a resident of this state. A 2247
community school may charge tuition for the enrollment of any 2248
student who is not a resident of this state. 2249

(G) (1) (a) A community school may borrow money to pay any 2250
necessary and actual expenses of the school in anticipation of 2251
the receipt of any portion of the payments to be received by the 2252
school pursuant to section 3317.022 of the Revised Code. The 2253
school may issue notes to evidence such borrowing. The proceeds 2254
of the notes shall be used only for the purposes for which the 2255
anticipated receipts may be lawfully expended by the school. 2256

(b) A school may also borrow money for a term not to 2257
exceed fifteen years for the purpose of acquiring facilities. 2258

(2) The state is not liable for debt incurred by the 2259
governing authority of a community school. 2260

(H) The department shall adjust the amounts paid under 2261
section 3317.022 of the Revised Code to reflect any enrollment 2262
of students in community schools for less than the equivalent of 2263
a full school year. The department shall adopt in accordance 2264
with Chapter 119. of the Revised Code rules governing the 2265
payments to community schools under section 3317.022 of the 2266
Revised Code including initial payments in a school year and 2267
adjustments and reductions made in subsequent periodic payments 2268

to community schools as provided under section 3317.022 of the Revised Code. For purposes of this division:

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

(2) A student shall be considered to be enrolled in a community school for the period of time beginning on the later of the date on which the school both has received documentation of the student's enrollment from a parent and the student has commenced participation in learning opportunities as defined in the contract with the sponsor, or thirty days prior to the date on which the student is entered into the education management information system established under section 3301.0714 of the Revised Code. For purposes of applying this division and divisions (H) (3) and (4) of this section to a community school student, "learning opportunities" shall be defined in the contract, which shall describe both classroom-based and non-classroom-based learning opportunities and shall be in compliance with criteria and documentation requirements for student participation which shall be established by the department. Any student's instruction time in non-classroom-based learning opportunities shall be certified by an employee of the community school. A student's enrollment shall be considered to cease on the date on which any of the following occur:

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

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

(c) The community school ceases to offer learning 2299
opportunities to the student pursuant to the terms of the 2300
contract with the sponsor or the operation of any provision of 2301
this chapter. 2302

Except as otherwise specified in this paragraph, beginning 2303
in the 2011-2012 school year, any student who completed the 2304
prior school year in an internet- or computer-based community 2305
school shall be considered to be enrolled in the same school in 2306
the subsequent school year until the student's enrollment has 2307
ceased as specified in division (H) (2) of this section. The 2308
department shall continue paying amounts for the student under 2309
section 3317.022 of the Revised Code without interruption at the 2310
start of the subsequent school year. However, if the student 2311
without a legitimate excuse fails to participate in the first 2312
seventy-two consecutive hours of learning opportunities offered 2313
to the student in that subsequent school year, the student shall 2314
be considered not to have re-enrolled in the school for that 2315
school year and the department shall recalculate the payments to 2316
the school for that school year to account for the fact that the 2317
student is not enrolled. 2318

(3) The department shall determine each community school 2319
student's percentage of full-time equivalency based on the 2320
percentage of learning opportunities offered by the community 2321
school to that student, reported either as number of hours or 2322
number of days, is of the total learning opportunities offered 2323
by the community school to a student who attends for the 2324
school's entire school year. However, no internet- or computer- 2325
based community school shall be credited for any time a student 2326
spends participating in learning opportunities beyond ten hours 2327
within any period of twenty-four consecutive hours. Whether it 2328
reports hours or days of learning opportunities, each community 2329

school shall offer not less than nine hundred twenty hours of 2330
learning opportunities during the school year. 2331

(4) With respect to the calculation of full-time 2332
equivalency under division (H) (3) of this section, the 2333
department shall waive the number of hours or days of learning 2334
opportunities not offered to a student because the community 2335
school was closed during the school year due to disease 2336
epidemic, hazardous weather conditions, law enforcement 2337
emergencies, inoperability of school buses or other equipment 2338
necessary to the school's operation, damage to a school 2339
building, or other temporary circumstances due to utility 2340
failure rendering the school building unfit for school use, so 2341
long as the school was actually open for instruction with 2342
students in attendance during that school year for not less than 2343
the minimum number of hours required by this chapter. The 2344
department shall treat the school as if it were open for 2345
instruction with students in attendance during the hours or days 2346
waived under this division. 2347

(I) The department of education and workforce shall reduce 2348
the amounts paid under section 3317.022 of the Revised Code to 2349
reflect payments made to colleges under section 3365.07 of the 2350
Revised Code. 2351

(J) (1) No student shall be considered enrolled in any 2352
internet- or computer-based community school or, if applicable 2353
to the student, in any community school that is required to 2354
provide the student with a computer pursuant to division (C) of 2355
section 3314.22 of the Revised Code, unless both of the 2356
following conditions are satisfied: 2357

(a) The student possesses or has been provided with all 2358
required hardware and software materials and all such materials 2359

are operational so that the student is capable of fully 2360
participating in the learning opportunities specified in the 2361
contract between the school and the school's sponsor as required 2362
by division (A) (23) of section 3314.03 of the Revised Code; 2363

(b) The school is in compliance with division (A) of 2364
section 3314.22 of the Revised Code, relative to such student. 2365

(2) In accordance with policies adopted by the department 2366
of education and workforce, the department shall reduce the 2367
amounts otherwise payable under section 3317.022 of the Revised 2368
Code to any community school that includes in its program the 2369
provision of computer hardware and software materials to any 2370
student, if such hardware and software materials have not been 2371
delivered, installed, and activated for each such student in a 2372
timely manner or other educational materials or services have 2373
not been provided according to the contract between the 2374
individual community school and its sponsor. 2375

(K) (1) If the department determines that a review of a 2376
community school's enrollment is necessary, such review shall be 2377
completed and written notice of the findings shall be provided 2378
to the governing authority of the community school and its 2379
sponsor within ninety days of the end of the community school's 2380
fiscal year, unless extended for a period not to exceed thirty 2381
additional days for one of the following reasons: 2382

(a) The department and the community school mutually agree 2383
to the extension. 2384

(b) Delays in data submission caused by either a community 2385
school or its sponsor. 2386

(2) If the review results in a finding that additional 2387
funding is owed to the school, such payment shall be made within 2388

thirty days of the written notice. If the review results in a finding that the community school owes moneys to the state, the following procedure shall apply:

(a) Within ten business days of the receipt of the notice of findings, the community school may appeal the department's determination to the director.

(b) The director 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) Any decision made by the director 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 director.

(L) The department shall not pay to a community school under section 3317.022 of the Revised Code 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 and was not excused pursuant to division (C) (1) or (3) of that section, unless the director grants the student a waiver from

the requirement to take the assessment and a parent is not 2417
paying tuition for the student pursuant to section 3314.26 of 2418
the Revised Code. The director may grant a waiver only for good 2419
cause in accordance with rules adopted by the department. 2420

(4) Any student who has attained the age of twenty-two 2421
years, except for veterans of the armed services whose 2422
attendance was interrupted before completing the recognized 2423
twelve-year course of the public schools by reason of induction 2424
or enlistment in the armed forces and who apply for enrollment 2425
in a community school not later than four years after 2426
termination of war or their honorable discharge. If, however, 2427
any such veteran elects to enroll in special courses organized 2428
for veterans for whom tuition is paid under federal law, or 2429
otherwise, the department shall not pay to a community school 2430
under section 3317.022 of the Revised Code any amount for that 2431
veteran. 2432

Sec. 3317.011. This section shall apply only for fiscal 2433
years 2026 and 2027. 2434

(A) As used in this section: 2435

(1) "Average administrative assistant salary" means the 2436
average salary of administrative assistants employed by city, 2437
local, and exempted village school districts in this state with 2438
salaries greater than \$20,000 but less than \$65,000, using 2439
fiscal year 2022 data, as determined by the department of 2440
education and workforce. 2441

(2) "Average bookkeeping and accounting employee salary" 2442
means the average salary of bookkeeping employees and accounting 2443
employees employed by city, local, and exempted village school 2444
districts in this state with salaries greater than \$20,000 but 2445

less than \$80,000, using fiscal year 2022 data, as determined by 2446
the department. 2447

(3) "Average clerical staff salary" means the average 2448
salary of clerical staff employed by city, local, and exempted 2449
village school districts in this state with salaries greater 2450
than \$15,000 but less than \$50,000, using fiscal year 2022 data, 2451
as determined by the department. 2452

(4) "Average counselor salary" means the average salary of 2453
counselors employed by city, local, and exempted village school 2454
districts in this state with salaries greater than \$30,000 but 2455
less than \$95,000, using fiscal year 2022 data, as determined by 2456
the department. 2457

(5) "Average education management information system 2458
support employee salary" means the average salary of accounting 2459
employees employed by city, local, and exempted village school 2460
districts in this state with salaries greater than \$30,000 but 2461
less than \$90,000, using fiscal year 2022 data, as determined by 2462
the department. 2463

(6) "Average librarian and media staff salary" means the 2464
average salary of librarians and media staff employed by city, 2465
local, and exempted village school districts in this state with 2466
salaries greater than \$30,000 but less than \$95,000, using 2467
fiscal year 2022 data, as determined by the department. 2468

(7) "Average other district administrator salary" means 2469
the average salary of all assistant superintendents and 2470
directors employed by city, local, and exempted village school 2471
districts in this state with salaries greater than \$50,000 but 2472
less than \$135,000, using fiscal year 2022 data, as determined 2473
by the department. 2474

(8) "Average principal salary" means the average salary of all principals employed by city, local, and exempted village school districts in this state with salaries greater than \$50,000 but less than \$120,000, using fiscal year 2022 data, as determined by the department.

(9) "Average superintendent salary" means the average salary of all superintendents employed by city, local, and exempted village school districts in this state with salaries greater than \$60,000 but less than \$180,000, using fiscal year 2022 data, as determined by the department.

(10) "Average teacher cost" for a fiscal year is equal to the sum of the following:

(a) The average salary of teachers employed by city, local, and exempted village school districts in this state with salaries greater than \$30,000 but less than \$95,000, using fiscal year 2022 data, as determined by the department;

(b) An amount for teacher benefits equal to 0.16 times the average salary calculated under division (A) (10) (a) of this section;

(c) An amount for district-paid insurance costs equal to the following product:

The statewide weighted average employer-paid monthly premium based on data reported by city, local, and exempted village school districts to the state employment relations board for the health insurance survey conducted in accordance with divisions (K) (5) and (6) of section 4117.02 of the Revised Code using fiscal year 2022 data X 12

(11) "Eligible school district" means a city, local, or exempted village school district that satisfies one of the

following:	2504
(a) The district is a member of an organization that regulates interscholastic athletics.	2505 2506
(b) The district has teams in at least three different sports that participate in an interscholastic league.	2507 2508
(B) When calculating a district's aggregate base cost under this section, the department shall use data from fiscal year 2022 for all of the following:	2509 2510 2511
(1) The average salaries determined under divisions (A) (1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) (a) of this section;	2512 2513 2514
(2) The amount for teacher benefits determined under division (A) (10) (b) of this section;	2515 2516
(3) The district-paid insurance costs determined under division (A) (10) (c) of this section;	2517 2518
(4) The spending determined under divisions (E) (4) (a), (E) (5) (a), (E) (6) (a), and (H) (1) of this section and the corresponding student counts determined under divisions (E) (4) (b), (E) (5) (b), (E) (6) (b), and (H) (2) of this section;	2519 2520 2521 2522
(5) The information determined under division (G) (3) of this section.	2523 2524
(C) A city, local, or exempted village school district's aggregate base cost for a fiscal year shall be equal to the following sum:	2525 2526 2527
(The district's teacher base cost for that fiscal year computed under division (D) of this section) + (the district's student support base cost for that fiscal year computed under division	2528 2529 2530

(E) of this section) + (the district's leadership and	2531
accountability base cost for that fiscal year computed under	2532
division (F) of this section) + (the district's building	2533
leadership and operations base cost for that fiscal year	2534
computed under division (G) of this section) + (the athletic co-	2535
curricular activities base cost for that fiscal year computed	2536
under division (H) of this section, if the district is an	2537
eligible school district)	2538
(D) The department shall compute a district's teacher base	2539
cost for a fiscal year as follows:	2540
(1) Calculate the district's classroom teacher cost for	2541
that fiscal year as follows:	2542
(a) (a) (i) <u>Determine the full-time equivalency of students</u>	2543
<u>in the district's base cost enrolled ADM for that fiscal year</u>	2544
<u>that are enrolled in a preschool program operated by the</u>	2545
<u>district and divide that number by 10;</u>	2546
(ii) Determine the full-time equivalency of students in	2547
the district's base cost enrolled ADM for that fiscal year that	2548
are enrolled in kindergarten and divide that number by 20 7 .	2549
(b) Determine the full-time equivalency of students in the	2550
district's base cost enrolled ADM for that fiscal year that are	2551
enrolled in grades one through three and divide that number by	2552
23;	2553
(c) Determine the full-time equivalency of students in the	2554
district's base cost enrolled ADM for that fiscal year that are	2555
enrolled in grades four through eight but are not enrolled in a	2556
career-technical education program or class described under	2557
section 3317.014 of the Revised Code and divide that number by	2558
25;	2559

(d) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades nine through twelve but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 27;

(e) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in a career-technical education program or class, as certified under divisions (B) (11), (12), (13), (14), and (15) of section 3317.03 of the Revised Code, and divide that number by 18;

(f) Compute the sum of the quotients obtained under divisions (D) (1) (a), (b), (c), (d), and (e) of this section;

(g) Compute the classroom teacher cost by multiplying the average teacher cost for that fiscal year by the sum computed under division (D) (1) (f) of this section.

(2) Calculate the district's special teacher cost for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 150;

(b) If the quotient obtained under division (D) (2) (a) of this section is greater than 6, the special teacher cost shall be equal to that quotient multiplied by the average teacher cost for that fiscal year.

(c) If the quotient obtained under division (D) (2) (a) of this section is less than or equal to 6, the special teacher cost shall be equal to 6 multiplied by the average teacher cost for that fiscal year.

(3) Calculate the district's substitute teacher cost for that fiscal year in accordance with the following formula:	2589 2590
(a) Compute the substitute teacher daily rate with benefits by multiplying the substitute teacher daily rate of \$90 by 1.16;	2591 2592 2593
(b) Compute the substitute teacher cost in accordance with the following formula:	2594 2595
[The sum computed under division (D) (1) (f) of this section + (the greater of the quotient obtained under division (D) (2) (a) of this section and 6)] X the amount computed under division (D) (3) (a) of this section X 5	2596 2597 2598 2599
(4) Calculate the district's professional development cost for that fiscal year in accordance with the following formula:	2600 2601
[The sum computed under division (D) (1) (f) of this section + (the greater of the quotient obtained under division (D) (2) (a) of this section and 6)] X [(the sum of divisions (A) (10) (a) and (b) of this section for that fiscal year)/180] X 4	2602 2603 2604 2605
(5) Calculate the district's teacher base cost for that fiscal year, which equals the sum of divisions (D) (1), (2), (3), and (4) of this section.	2606 2607 2608
(E) The department shall compute a district's student support base cost for a fiscal year as follows:	2609 2610
(1) Calculate the district's guidance counselor cost for that fiscal year as follows:	2611 2612
(a) Determine the number of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades nine through twelve and divide that number by 360;	2613 2614 2615

(b) Compute the counselor cost in accordance with the following formula:	2616 2617
(The greater of the quotient obtained under division (E) (1) (a) of this section and 1) X [(the average counselor salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]	2618 2619 2620 2621
(2) Calculate the district's librarian and media staff cost for that fiscal year as follows:	2622 2623
(a) Divide the district's base cost enrolled ADM for that fiscal year by 1,000;	2624 2625
(b) Compute the librarian and media staff cost in accordance with the following formula:	2626 2627
The quotient obtained under division (E) (2) (a) of this section X [(the average librarian and media staff salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]	2628 2629 2630 2631
(3) Calculate the district's staffing cost for student wellness and success for that fiscal year as follows:	2632 2633
(a) Divide the district's base cost enrolled ADM for that fiscal year by 250;	2634 2635
(b) Compute the staffing cost for student wellness and success in accordance with the following formula:	2636 2637
(The greater of the quotient obtained under division (E) (3) (a) of this section and 5) X [(the average counselor salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]	2638 2639 2640 2641
(4) Calculate the district's academic co-curricular	2642

activities cost for that fiscal year as follows:	2643
(a) Determine the total amount of spending for academic	2644
co-curricular activities reported by city, local, and exempted	2645
village school districts to the department using fiscal year	2646
2022 data;	2647
(b) Determine the sum of the enrolled ADM of every school	2648
district in the state using fiscal year 2022 data as specified	2649
under division (E) (4) (a) of this section;	2650
(c) Compute the academic co-curricular activities cost in	2651
accordance with the following formula:	2652
(The amount determined under division (E) (4) (a) of this section	2653
/ the sum determined under division (E) (4) (b) of this section) X	2654
the district's base cost enrolled ADM for the fiscal year for	2655
which the academic co-curricular activities cost is computed	2656
(5) Calculate the district's building safety and security	2657
cost for that fiscal year as follows:	2658
(a) Determine the total amount of spending for building	2659
safety and security reported by city, local, and exempted	2660
village school districts to the department using fiscal year	2661
2022 data;	2662
(b) Determine the sum of the enrolled ADM of every school	2663
district in the state that reported the data specified under	2664
division (E) (5) (a) of this section using fiscal year 2022 data;	2665
(c) Compute the building safety and security cost in	2666
accordance with the following formula:	2667
(The amount determined under division (E) (5) (a) of this section	2668
/ the sum determined under division (E) (5) (a) of this section) X	2669
the district's base cost enrolled ADM for the fiscal year for	2670

which the building safety and security cost is computed	2671
(6) Calculate the district's supplies and academic content cost for that fiscal year as follows:	2672
(a) Determine the total amount of spending for supplies and academic content, excluding supplies for transportation and maintenance, reported by city, local, and exempted village school districts to the department using fiscal year 2022 data;	2674
(b) Determine the sum of the enrolled ADM of every school district in the state using fiscal year 2022 data as specified under division (E) (6) (a) of this section;	2678
(c) Compute the supplies and academic content cost in accordance with the following formula:	2681
(The amount determined under division (E) (6) (a) of this section / the sum determined under division (E) (6) (b) of this section) X the district's base cost enrolled ADM for the fiscal year for which the supplies and academic content cost is computed	2683
(7) Calculate the district's technology cost for that fiscal year in accordance with the following formula:	2687
\$37.50 X the district's base cost enrolled ADM for that fiscal year	2688
(8) Calculate the district's student support base cost for that fiscal year, which equals the sum of divisions (E) (1), (2), (3), (4), (5), (6), and (7) of this section.	2689
(F) The department shall compute a district's leadership and accountability base cost for a fiscal year as follows:	2691
(1) Calculate the district's superintendent cost for that fiscal year as follows:	2692
	2693
	2694
	2695
	2696
	2697

(a) If the district's base cost enrolled ADM for that 2698
fiscal year is greater than 4,000, then the district's 2699
superintendent cost shall be equal to $[(\$160,000 \times 1.16) + \text{the}$ 2700
amount specified under division (A) (10) (c) of this section for 2701
that fiscal year]. 2702

(b) If the district's base cost enrolled ADM for that 2703
fiscal year is less than or equal to 4,000 but greater than or 2704
equal to 500, the district's superintendent cost shall be equal 2705
to the sum of the following: 2706

(i) (The district's base cost enrolled ADM for that fiscal 2707
year - 500) $\times \{[(\$160,000 \times 1.16) - (\$80,000 \times 1.16)]/3500\};$ 2708

(ii) $(\$80,000 \times 1.16) + \text{the amount specified under}$ 2709
division (A) (10) (c) of this section for that fiscal year. 2710

(c) If the district's base cost enrolled ADM is less than 2711
500, then the district's superintendent cost shall be equal to 2712
 $[(\$80,000 \times 1.16) + \text{the amount specified under division (A) (10)}$ 2713
(c) of this section for that fiscal year]. 2714

(2) Calculate the district's treasurer cost for that 2715
fiscal year as follows: 2716

(a) If the district's base cost enrolled ADM for that 2717
fiscal year is greater than 4,000, then the district's treasurer 2718
cost shall be equal to $[(\$130,000 \times 1.16) + \text{the amount specified}$ 2719
under division (A) (10) (c) of this section for that fiscal year]. 2720

(b) If the district's base cost enrolled ADM for that 2721
fiscal year is less than or equal to 4,000 but greater than or 2722
equal to 500, the district's treasurer cost shall be equal to 2723
the sum of the following: 2724

(i) (The district's base cost enrolled ADM for that fiscal 2725

year - 500) X {[((\$130,000 X 1.16) - (\$60,000 X 1.16)]/3500}; 2726

(ii) (\$60,000 X 1.16) + the amount specified under 2727
division (A) (10) (c) of this section for that fiscal year. 2728

(c) If the district's base cost enrolled ADM is less than 2729
500, then the district's treasurer cost shall be equal to 2730
[((\$60,000 X 1.16) + the amount specified under division (A) (10)
(c) of this section for that fiscal year]. 2731
2732

(3) Calculate the district's other district administrator 2733
cost for that fiscal year as follows: 2734

(a) Divide the average other district administrator salary 2735
for that fiscal year by the average superintendent salary for 2736
that fiscal year; 2737

(b) Divide the district's base cost enrolled ADM for that 2738
fiscal year by 750; 2739

(c) Compute the other district administrator cost in 2740
accordance with the following formula: 2741

{[(The district's superintendent cost for that fiscal year 2742
calculated under division (F) (1) of this section - the amount 2743
specified under division (A) (10) (c) of this section for that 2744
fiscal year) X the quotient obtained under division (F) (3) (a) of 2745
this section] + the amount specified under division (A) (10) (c) 2746
of this section} X (the greater of the quotient obtained under 2747
division (F) (3) (b) of this section and 2) 2748

(4) Calculate the district's fiscal support cost for that 2749
fiscal year as follows: 2750

(a) Divide the district's base cost enrolled ADM for that 2751
fiscal year by 850; 2752

(b) Determine the lesser of the following:	2753
(i) The maximum of the quotient obtained under division	2754
(F) (4) (a) of this section and 2;	2755
(ii) 35.	2756
(c) Compute the fiscal support cost in accordance with the	2757
following formula:	2758
The number obtained under division (F) (4) (b) of this section X	2759
[(the average bookkeeping and accounting employee salary for	2760
that fiscal year X 1.16) + the amount specified under division	2761
(A) (10) (c) of this section for that fiscal year]	2762
(5) Calculate the district's education management	2763
information system support cost for that fiscal year as follows:	2764
(a) Divide the district's base cost enrolled ADM for that	2765
fiscal year by 5,000;	2766
(b) Compute the education management information system	2767
support cost in accordance with the following formula:	2768
(The greater of the quotient obtained under division (F) (5) (a)	2769
of this section and 1) X [(the average education management	2770
information system support employee salary for that fiscal year	2771
X 1.16) + the amount specified under division (A) (10) (c) of this	2772
section for that fiscal year]	2773
(6) Calculate the district's leadership support cost for	2774
that fiscal year as follows:	2775
(a) Determine the greater of the quotient obtained under	2776
division (F) (3) (b) of this section and 2, and add 1 to that	2777
number;	2778
(b) Divide the number obtained under division (F) (6) (a) of	2779

this section by 3;	2780
(c) Compute the leadership support cost in accordance with	2781
the following formula:	2782
(The greater of the quotient obtained under division (F) (6) (b)	2783
of this section and 1) X [(the average administrative assistant	2784
salary for that fiscal year X 1.16) + the amount specified under	2785
division (A) (10) (c) of this section for that fiscal year]	2786
(7) Calculate the district's information technology center	2787
support cost for that fiscal year in accordance with the	2788
following formula:	2789
\$31 X the district's base cost enrolled ADM for that fiscal year	2790
(8) Calculate the district's district leadership and	2791
accountability base cost for that fiscal year, which equals the	2792
sum of divisions (F) (1), (2), (3), (4), (5), (6), and (7) of	2793
this section.	2794
(G) The department shall compute a district's building	2795
leadership and operations base cost for a fiscal year as	2796
follows:	2797
(1) Calculate the district's building leadership cost for	2798
that fiscal year as follows:	2799
(a) Divide the average principal salary for that fiscal	2800
year by the average superintendent salary for that fiscal year;	2801
(b) Divide the district's base cost enrolled ADM for that	2802
fiscal year by 450;	2803
(c) Compute the building leadership cost in accordance	2804
with the following formula:	2805
{[(The district's superintendent cost for that fiscal year	2806

calculated under division (F) (1) of this section - the amount 2807
specified under division (A) (10) (c) of this section for that 2808
fiscal year) X the quotient obtained under division (G) (1) (a) of 2809
this section] + the amount specified under division (A) (10) (c) 2810
of this section for that fiscal year} X the quotient obtained 2811
under division (G) (1) (b) of this section 2812

(2) Calculate the district's building leadership support 2813
cost for that fiscal year as follows: 2814

(a) Divide the district's base cost enrolled ADM for that 2815
fiscal year by 400; 2816

(b) Determine the number of school buildings in the 2817
district for the preceding fiscal year; 2818

(c) Compute the building leadership support cost in 2819
accordance with the following formula: 2820

(i) If the quotient obtained under division (G) (2) (a) of 2821
this section is less than the number obtained under division (G) 2822
(2) (b) of this section, then the district's building leadership 2823
support cost shall be equal to {the number obtained under 2824
division (G) (2) (b) of this section for that fiscal year X [(the 2825
average clerical staff salary for that fiscal year X 1.16) + the 2826
amount specified under division (A) (10) (c) of this section for 2827
that fiscal year]}.

(ii) If the quotient obtained under division (G) (2) (a) of 2829
this section is greater than or equal to the number obtained 2830
under division (G) (2) (b) of this section, then the district's 2831
building leadership support cost shall be equal to {[the lesser 2832
of (the number obtained under division (G) (2) (b) of this section 2833
X 3) and the quotient obtained under division (G) (2) (a) of this 2834
section] X [(the average clerical staff salary for that fiscal 2835

year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year}}.	2836 2837
(3) Calculate the district's building operations cost for that fiscal year as follows:	2838 2839
(a) Determine both of the following:	2840
(i) The average building square feet per pupil for all city, local, and exempted village school district buildings in the state;	2841 2842 2843
(ii) The average cost per square foot for all city, local, and exempted village school district buildings in the state.	2844 2845
(b) Compute the building operations cost in accordance with the following formula:	2846 2847
The district's base cost enrolled ADM for that fiscal year X [(the number determined under division (G) (3) (a) (i) of this section X the number determined under division (G) (3) (a) (ii) of this section) - (the amount determined under division (E) (5) (a) of this section for that fiscal year/ the sum determined under division (E) (5) (b) of this section for that fiscal year)]	2848 2849 2850 2851 2852 2853
(4) Calculate the district's building leadership and operations base cost for that fiscal year, which equals the sum of divisions (G) (1), (2), and (3) of this section.	2854 2855 2856
(H) If a district is an eligible school district, the department shall compute the district's athletic co-curricular activities base cost for a fiscal year as follows:	2857 2858 2859
(1) Determine the total amount of spending for athletic co-curricular activities reported by city, local, and exempted village school districts to the department for that fiscal year;	2860 2861 2862

(2) Determine the sum of the enrolled ADM of every school district in the state for that fiscal year;	2863 2864
(3) Compute the district's athletic co-curricular activities base cost in accordance with the following formula:	2865 2866
(The amount determined under division (H) (1) of this section / the sum determined under division (H) (2) of this section) X the district's base cost enrolled ADM for the fiscal year for which the funds for athletic co-curricular activities are computed	2867 2868 2869 2870
Sec. 3317.0110. This section shall apply only for fiscal years 2026 and 2027.	2871 2872
(A) As used in this section:	2873
(1) "Average teacher cost" for a fiscal year has the same meaning as in section 3317.011 of the Revised Code.	2874 2875
(2) "Eligible community or STEM school" means a community or STEM school that satisfies one of the following:	2876 2877
(a) The school is a member of an organization that regulates interscholastic athletics.	2878 2879
(b) The school has teams in at least three different sports that participate in an interscholastic league.	2880 2881
(B) When calculating a community or STEM school's aggregate base cost under this section, the department of education and workforce shall use data from fiscal year 2022 for the average teacher cost.	2882 2883 2884 2885
(C) A community or STEM school's aggregate base cost for a fiscal year shall be equal to the following sum:	2886 2887
(The school's teacher base cost for that fiscal year computed under division (D) of this section) + (the school's student	2888 2889

support base cost for that fiscal year computed under division	2890
(E) of this section) + (the school's leadership and	2891
accountability base cost for that fiscal year computed under	2892
division (F) of this section) + (the school's building	2893
leadership and operations base cost for that fiscal year	2894
computed under division (G) of this section) + (the school's	2895
athletic co-curricular activities base cost for that fiscal year	2896
computed under division (H) of this section, if the school is an	2897
eligible community or STEM school)	2898
(D) The department shall compute a community or STEM	2899
school's teacher base cost for a fiscal year as follows:	2900
(1) Calculate the school's classroom teacher cost for that	2901
fiscal year as follows:	2902
(a) (a) (i) <u>Determine the full-time equivalency of students</u>	2903
<u>enrolled in the school's preschool program, if it has one, for</u>	2904
<u>the fiscal year and divide that number by 10;</u>	2905
(ii) Determine the full-time equivalency of students	2906
enrolled in the school for that fiscal year that are enrolled in	2907
kindergarten and divide that number by 20 7 .	2908
(b) Determine the full-time equivalency of students	2909
enrolled in the school for that fiscal year that are enrolled in	2910
grades one through three and divide that number by 23;	2911
(c) Determine the full-time equivalency of students	2912
enrolled in the school for that fiscal year that are enrolled in	2913
grades four through eight but are not enrolled in a career-	2914
technical education program or class described under section	2915
3317.014 of the Revised Code and divide that number by 25;	2916
(d) Determine the full-time equivalency of students	2917
enrolled in the school for that fiscal year that are enrolled in	2918

grades nine through twelve but are not enrolled in a career-	2919
technical education program or class described under section	2920
3317.014 of the Revised Code and divide that number by 27;	2921
(e) Determine the full-time equivalency of students	2922
enrolled in the school for that fiscal year that are enrolled in	2923
a career-technical education program or class, as reported under	2924
division (B)(4) of section 3314.08 of the Revised Code, and	2925
divide that number by 18;	2926
(f) Compute the sum of the quotients obtained under	2927
divisions (D)(1)(a), (b), (c), (d), and (e) of this section;	2928
(g) Compute the classroom teacher cost by multiplying the	2929
average teacher cost for that fiscal year by the sum computed	2930
under division (D)(1)(f) of this section.	2931
(2) Calculate the school's special teacher cost for that	2932
fiscal year as follows:	2933
(a) Divide the number of students enrolled in the school	2934
for that fiscal year by 150;	2935
(b) Compute the special teacher cost by multiplying the	2936
quotient obtained under division (D)(2)(a) of this section by	2937
the average teacher cost for that fiscal year.	2938
(3) Calculate the school's substitute teacher cost for	2939
that fiscal year in accordance with the following formula:	2940
(a) Compute the substitute teacher daily rate with	2941
benefits by multiplying the substitute teacher daily rate of \$90	2942
by 1.16;	2943
(b) Compute the substitute teacher cost in accordance with	2944
the following formula:	2945

(The sum computed under division (D) (1) (f) of this section + the
quotient obtained under division (D) (2) (a) of this section) X
the amount computed under division (D) (3) (a) of this section X 5
(4) Calculate the school's professional development cost
for that fiscal year in accordance with the following formula:
(The sum computed under division (D) (1) (f) of this section + the
quotient obtained under division (D) (2) (a) of this section) X
[(the sum of divisions (A) (10) (a) and (b) of section 3317.011 of
the Revised Code for that fiscal year)/180] X 4
(5) Calculate the school's teacher base cost for that
fiscal year, which equals the sum of divisions (D) (1), (2), (3),
and (4) of this section.
(E) The department shall compute a community or STEM
school's student support base cost for a fiscal year as follows:
The number of students enrolled in the school for that fiscal
year X [(the sum of the student support base cost calculated for
all city, local, and exempted village school districts in the
state for that fiscal year under division (E) of section
3317.011 of the Revised Code) / the sum of the base cost
enrolled ADMs of all of the city, local, and exempted village
school districts in the state for that fiscal year]
(F) The department shall compute a community or STEM
school's leadership and accountability base cost for a fiscal
year as follows:
The number of students enrolled in the school for that fiscal
year X (the sum of the leadership and accountability base cost
calculated for all city, local, and exempted village school
districts in the state for that fiscal year under division (F)
of section 3317.011 of the Revised Code / the sum of the base

cost enrolled ADMs of all of the city, local, and exempted	2975
village school districts in the state for that fiscal year)	2976
(G) The department shall compute a community or STEM	2977
school's building leadership and operations base cost for a	2978
fiscal year as follows:	2979
The number of students enrolled in the school for that fiscal	2980
year X (the sum of the building leadership and accountability	2981
base cost calculated for all city, local, and exempted village	2982
school districts in the state for that fiscal year under	2983
division (G) of section 3317.011 of the Revised Code / the sum	2984
of the base cost enrolled ADMs of all of the city, local, and	2985
exempted village school districts in the state for that fiscal	2986
year)	2987
(H) If a community or STEM school is an eligible community	2988
or STEM school, the department shall compute the school's	2989
athletic co-curricular activities base cost for a fiscal year as	2990
follows:	2991
The number of students enrolled in the school for that fiscal	2992
year X (the amount determined under division (H) (1) of section	2993
3317.011 of the Revised Code / the sum determined under division	2994
(H) (2) of section 3317.011 of the Revised Code)	2995
Sec. 3317.02. As used in this chapter:	2996
(A) "Alternative school" has the same meaning as in	2997
section 3313.974 of the Revised Code.	2998
(B) "Autism scholarship unit" means a unit that consists	2999
of all of the students for whom autism scholarships are awarded	3000
under section 3310.41 of the Revised Code.	3001
(C) For fiscal years 2026 and 2027, a district's "base	3002

cost enrolled ADM" for a fiscal year means the greater of the 3003
following: 3004

(1) The district's enrolled ADM for the previous fiscal 3005
year; 3006

(2) The average of the district's enrolled ADM for the 3007
previous three fiscal years. 3008

(D) (1) "Base cost per pupil" means the following for a 3009
city, local, or exempted village school district: 3010

(a) For fiscal years 2026 and 2027, the aggregate base 3011
cost calculated for that district for that fiscal year under 3012
section 3317.011 of the Revised Code divided by the district's 3013
base cost enrolled ADM for that fiscal year; 3014

(b) For fiscal year 2028 and each fiscal year thereafter, 3015
an amount calculated in a manner determined by the general 3016
assembly. 3017

(2) "Base cost per pupil" means the following for a joint 3018
vocational school district: 3019

(a) For fiscal years 2026 and 2027, the aggregate base 3020
cost calculated for that district for that fiscal year under 3021
section 3317.012 of the Revised Code divided by the district's 3022
base cost enrolled ADM for that fiscal year; 3023

(b) For fiscal year 2028 and each fiscal year thereafter, 3024
an amount calculated in a manner determined by the general 3025
assembly. 3026

(E) (1) "Category one career-technical education ADM" means 3027
the enrollment of students during the school year on a full-time 3028
equivalency basis in career-technical education programs 3029
described in division (A) (1) of section 3317.014 of the Revised 3030

Code and, in the case of a funding unit that is a city, local, 3031
exempted village, or joint vocational school district, certified 3032
under division (B) (11) or (D) (2) (h) of section 3317.03 of the 3033
Revised Code or, in the case of the community and STEM school 3034
unit, reported by all community and STEM schools statewide under 3035
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 3036
and division (D) of section 3326.32 of the Revised Code. 3037

(2) "Category two career-technical education ADM" means 3038
the enrollment of students during the school year on a full-time 3039
equivalency basis in career-technical education programs 3040
described in division (A) (2) of section 3317.014 of the Revised 3041
Code and, in the case of a funding unit that is a city, local, 3042
exempted village, or joint vocational school district, certified 3043
under division (B) (12) or (D) (2) (i) of section 3317.03 of the 3044
Revised Code or, in the case of the community and STEM school 3045
unit, reported by all community and STEM schools statewide under 3046
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 3047
and division (D) of section 3326.32 of the Revised Code. 3048

(3) "Category three career-technical education ADM" means 3049
the enrollment of students during the school year on a full-time 3050
equivalency basis in career-technical education programs 3051
described in division (A) (3) of section 3317.014 of the Revised 3052
Code and, in the case of a funding unit that is a city, local, 3053
exempted village, or joint vocational school district, certified 3054
under division (B) (13) or (D) (2) (j) of section 3317.03 of the 3055
Revised Code or, in the case of the community and STEM school 3056
unit, reported by all community and STEM schools statewide under 3057
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 3058
and division (D) of section 3326.32 of the Revised Code. 3059

(4) "Category four career-technical education ADM" means 3060

the enrollment of students during the school year on a full-time 3061
equivalency basis in career-technical education programs 3062
described in division (A) (4) of section 3317.014 of the Revised 3063
Code and, in the case of a funding unit that is a city, local, 3064
exempted village, or joint vocational school district, certified 3065
under division (B) (14) or (D) (2) (k) of section 3317.03 of the 3066
Revised Code or, in the case of the community and STEM school 3067
unit, reported by all community and STEM schools statewide under 3068
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 3069
and division (D) of section 3326.32 of the Revised Code. 3070

(5) "Category five career-technical education ADM" means 3071
the enrollment of students during the school year on a full-time 3072
equivalency basis in career-technical education programs 3073
described in division (A) (5) of section 3317.014 of the Revised 3074
Code and, in the case of a funding unit that is a city, local, 3075
exempted village, or joint vocational school district, certified 3076
under division (B) (15) or (D) (2) (l) of section 3317.03 of the 3077
Revised Code or, in the case of the community and STEM school 3078
unit, reported by all community and STEM schools statewide under 3079
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 3080
and division (D) of section 3326.32 of the Revised Code. 3081

(F) (1) "Category one English learner ADM" means the full- 3082
time equivalent number of English learners described in division 3083
(A) of section 3317.016 of the Revised Code and, in the case of 3084
a funding unit that is a city, local, exempted village, or joint 3085
vocational school district, certified under division (B) (16) or 3086
(D) (2) (m) of section 3317.03 of the Revised Code or, in the case 3087
of the community and STEM school unit, reported by all community 3088
and STEM schools statewide under division (B) (6) of section 3089
3314.08 of the Revised Code and division (E) of section 3326.32 3090
of the Revised Code. 3091

(2) "Category two English learner ADM" means the full-time equivalent number of English learners described in division (B) of section 3317.016 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(17) or (D)(2)(n) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(6) of section 3314.08 of the Revised Code and division (E) of section 3326.32 of the Revised Code.

(3) "Category three English learner ADM" means the full-time equivalent number of English learners described in division (C) of section 3317.016 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(18) or (D)(2)(o) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(6) of section 3314.08 of the Revised Code and division (E) of section 3326.32 of the Revised Code.

(G)(1) "Category one special education ADM" means the full-time equivalent number of children with disabilities receiving special education services for the disability specified in division (A) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code.

(2) "Category two special education ADM" means the full-time equivalent number of children with disabilities receiving special education services for those disabilities specified in division (B) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B) (6) or (D) (2) (c) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B) (3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code.

(3) "Category three special education ADM" means the full-time equivalent number of students receiving special education services for those disabilities specified in division (C) of section 3317.013 of the Revised Code, and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B) (7) or (D) (2) (d) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B) (3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code.

(4) "Category four special education ADM" means the full-time equivalent number of students receiving special education services for those disabilities specified in division (D) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B) (8) or (D) (2) (e) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B) (3) of section

3314.08 of the Revised Code and division (C) of section 3326.32 3154
of the Revised Code. 3155

(5) "Category five special education ADM" means the full- 3156
time equivalent number of students receiving special education 3157
services for the disabilities specified in division (E) of 3158
section 3317.013 of the Revised Code and, in the case of a 3159
funding unit that is a city, local, exempted village, or joint 3160
vocational school district, certified under division (B) (9) or 3161
(D) (2) (f) of section 3317.03 of the Revised Code or, in the case 3162
of the community and STEM school unit, reported by all community 3163
and STEM schools statewide under division (B) (3) of section 3164
3314.08 of the Revised Code and division (C) of section 3326.32 3165
of the Revised Code. 3166

(6) "Category six special education ADM" means the full- 3167
time equivalent number of students receiving special education 3168
services for the disabilities specified in division (F) of 3169
section 3317.013 of the Revised Code and, in the case of a 3170
funding unit that is a city, local, exempted village, or joint 3171
vocational school district certified under division (B) (10) or 3172
(D) (2) (g) of section 3317.03 of the Revised Code or, in the case 3173
of the community and STEM school unit, reported by all community 3174
and STEM schools statewide under division (B) (3) of section 3175
3314.08 of the Revised Code and division (C) of section 3326.32 3176
of the Revised Code. 3177

(H) "Community and STEM school unit" means a unit that 3178
consists of all of the students enrolled in community schools 3179
established under Chapter 3314. of the Revised Code and science, 3180
technology, engineering, and mathematics schools established 3181
under Chapter 3326. of the Revised Code. 3182

(I) (1) "Economically disadvantaged index for a school 3183

district" means the following: 3184

(a) For fiscal years 2026 and 2027, the square of the 3185
quotient of that district's percentage of students in its 3186
enrolled ADM who are identified as economically disadvantaged as 3187
defined by the department of education and workforce, divided by 3188
the percentage of students in the statewide ADM identified as 3189
economically disadvantaged. For purposes of this calculation: 3190

(i) For a city, local, or exempted village school 3191
district, the "statewide ADM" equals the sum of the following: 3192

(I) The enrolled ADM for all city, local, and exempted 3193
village school districts combined; 3194

(II) The statewide enrollment of students in community 3195
schools established under Chapter 3314. of the Revised Code; 3196

(III) The statewide enrollment of students in science, 3197
technology, engineering, and mathematics schools established 3198
under Chapter 3326. of the Revised Code. 3199

(ii) For a joint vocational school district, the 3200
"statewide ADM" equals the sum of the enrolled ADM for all joint 3201
vocational school districts combined. 3202

(b) For fiscal year 2028 and each fiscal year thereafter, 3203
an index calculated in a manner determined by the general 3204
assembly. 3205

(2) "Economically disadvantaged index for a community or 3206
STEM school" means the following: 3207

(a) For fiscal years 2026 and 2027, the square of the 3208
quotient of the percentage of students enrolled in the school 3209
who are identified as economically disadvantaged as defined by 3210
the department, divided by the percentage of students in the 3211

statewide ADM identified as economically disadvantaged. For 3212
purposes of this calculation, the "statewide ADM" equals the 3213
"statewide ADM" for city, local, and exempted village school 3214
districts described in division (I) (1) (a) (i) of this section. 3215

(b) For fiscal year 2028 and each fiscal year thereafter, 3216
an index calculated in a manner determined by the general 3217
assembly. 3218

(J) "Educational choice scholarship unit" means a unit 3219
that consists of all of the students for whom educational choice 3220
scholarships are awarded under sections 3310.03 and 3310.032 of 3221
the Revised Code. 3222

(K) "Enrolled ADM" means the following: 3223

(1) For a city, local, or exempted village school 3224
district, the enrollment reported under division (A) of section 3225
3317.03 of the Revised Code, as verified by the department and 3226
adjusted if so ordered under division (K) of that section, and 3227
as further adjusted by the department, as follows: 3228

(a) Add the students described in division (A) (1) (b) of 3229
section 3317.03 of the Revised Code; 3230

(b) Subtract the students counted under divisions (A) (2) 3231
(a), (b), (d), (g), (h), (i), and (j) of section 3317.03 of the 3232
Revised Code; 3233

(c) Count only twenty per cent of the number of joint 3234
vocational school district students counted under division (A) 3235
(3) of section 3317.03 of the Revised Code; 3236

(d) Add twenty per cent of the number of students who are 3237
entitled to attend school in the district under section 3313.64 3238
or 3313.65 of the Revised Code and are enrolled in another 3239

school district under a career-technical education compact;	3240
(e) Add twenty per cent of the number of students	3241
described in division (A) (1) (b) of section 3317.03 of the	3242
Revised Code who enroll in a joint vocational school district or	3243
under a career-technical education compact.	3244
(2) For a joint vocational school district, the final	3245
number verified by the department, based on the enrollment	3246
reported and certified under division (D) of section 3317.03 of	3247
the Revised Code, as adjusted, if so ordered, under division (K)	3248
of that section, and as further adjusted by the department by	3249
adding the students described in division (D) (1) (b) of section	3250
3317.03 of the Revised Code;	3251
(3) For the community and STEM school unit, the sum of the	3252
number of students reported as enrolled in community schools	3253
under divisions (B) (1) and (2) of section 3314.08 of the Revised	3254
Code and the number of students reported as enrolled in STEM	3255
schools under division (A) of section 3326.32 of the Revised	3256
Code;	3257
(4) For the educational choice scholarship unit, the	3258
number of students for whom educational choice scholarships are	3259
awarded under sections 3310.03 and 3310.032 of the Revised Code	3260
as reported under division (A) (2) (g) of section 3317.03 of the	3261
Revised Code;	3262
(5) For the pilot project scholarship unit, the number of	3263
students for whom pilot project scholarships are awarded under	3264
sections 3313.974 to 3313.979 of the Revised Code as reported	3265
under division (A) (2) (b) of section 3317.03 of the Revised Code;	3266
(6) For the autism scholarship unit, the number of	3267
students for whom autism scholarships are awarded under section	3268

3310.41 of the Revised Code as reported under division (A) (2) (h) 3269
of section 3317.03 of the Revised Code; 3270

(7) For the Jon Peterson special needs scholarship unit, 3271
the number of students for whom Jon Peterson special needs 3272
scholarships are awarded under sections 3310.51 to 3310.64 of 3273
the Revised Code as reported under division (A) (2) (h) of section 3274
3317.03 of the Revised Code. 3275

(L) (1) "Formula ADM" means, for a city, local, or exempted 3276
village school district, the enrollment reported under division 3277
(A) of section 3317.03 of the Revised Code, as verified by the 3278
department and adjusted if so ordered under division (K) of that 3279
section, and as further adjusted by the department, as follows: 3280

(a) Count only twenty per cent of the number of joint 3281
vocational school district students counted under division (A) 3282
(3) of section 3317.03 of the Revised Code; 3283

(b) Add twenty per cent of the number of students who are 3284
entitled to attend school in the district under section 3313.64 3285
or 3313.65 of the Revised Code and are enrolled in another 3286
school district under a career-technical education compact. 3287

(2) "Formula ADM" means, for a joint vocational school 3288
district, the final number verified by the department, based on 3289
the enrollment reported and certified under division (D) of 3290
section 3317.03 of the Revised Code, as adjusted, if so ordered, 3291
under division (K) of that section. 3292

(M) "FTE basis" means a count of students based on full- 3293
time equivalency, in accordance with rules adopted by the 3294
department pursuant to section 3317.03 of the Revised Code. In 3295
adopting its rules under this division, the department shall 3296
provide for counting any student in category one, two, three, 3297

four, five, or six special education ADM or in category one, 3298
two, three, four, or five career-technical education ADM in the 3299
same proportion the student is counted in enrolled ADM and 3300
formula ADM. 3301

(N) For fiscal years 2026 and 2027, "funding base" means, 3302
for a city, local, or exempted village school district, the sum 3303
of the following as calculated by the department: 3304

(1) The district's "general funding base," which equals 3305
the amount calculated as follows: 3306

(a) Compute the sum of the following: 3307

(i) The amount calculated for the district for fiscal year 3308
2020 under division (A) (1) of Section 265.220 of H.B. 166 of the 3309
133rd general assembly after any adjustments required under 3310
Section 265.227 of H.B. 166 of the 133rd general assembly and 3311
prior to any funding reductions authorized by Executive Order 3312
2020-19D, "Implementing Additional Spending Controls to Balance 3313
the State Budget" issued on May 7, 2020; 3314

(ii) For fiscal years 2026 and 2027, the district's 3315
payments for fiscal year 2020 under divisions (C) (1), (3), and 3316
(4) of section 3313.981 of the Revised Code as those divisions 3317
existed prior to September 30, 2021. 3318

(b) Subtract from the amount calculated in division (N) (1) 3319
(a) of this section the sum of the following: 3320

(i) The following difference: 3321

(The amount paid to the district under division (A) (5) of 3322
section 3317.022 of the Revised Code, as that division existed 3323
prior to September 30, 2021, for fiscal year 2019) - (the 3324
amounts deducted from the district and paid to a community 3325

school under division (C) (1) (e) of section 3314.08 of the Revised Code or a science, technology, engineering, and mathematics school under division (E) of section 3326.33 of the Revised Code as those divisions existed prior to September 30, 2021, for fiscal year 2020 in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly)

(ii) The payments deducted from the district and paid to a community school for fiscal year 2020 under divisions (C) (1) (a), (b), (c), (d), (e), (f), and (g) of section 3314.08 of the Revised Code as those divisions existed prior to September 30, 2021, in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd general assembly;

(iii) The payments deducted from the district and paid to a science, technology, engineering, and mathematics school for fiscal year 2020 under divisions (A), (B), (C), (D), (E), (F), and (G) of section 3326.33 of the Revised Code as those divisions existed prior to September 30, 2021, in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly;

(iv) The payments deducted from the district under division (C) of section 3310.08 of the Revised Code as that division existed prior to September 30, 2021, division (C) (2) of section 3310.41 of the Revised Code as that division existed prior to September 30, 2021, and former section 3310.55 of the Revised Code for fiscal year 2020 and, in the case of a pilot project school district as defined in section 3313.975 of the Revised Code, the funds deducted from the district under Section 265.210 of H.B. 166 of the 133rd general assembly to operate the pilot project scholarship program for fiscal year 2020 under sections 3313.974 to 3313.979 of the Revised Code;

(v) For fiscal years 2026 and 2027, the payments 3356
subtracted from the district for fiscal year 2020 under 3357
divisions (B) (1) and (3) of section 3313.981 of the Revised Code 3358
as those divisions existed prior to September 30, 2021. 3359

(2) The district's "disadvantaged pupil impact aid funding 3360
base," which equals the following difference: 3361

(The amount paid to the district under division (A) (5) of 3362
section 3317.022 of the Revised Code, as that division existed 3363
prior to September 30, 2021, for fiscal year 2019) - (the 3364
amounts deducted from the district and paid to a community 3365
school under division (C) (1) (e) of section 3314.08 of the 3366
Revised Code or a science, technology, engineering, and 3367
mathematics school under division (E) of section 3326.33 of the 3368
Revised Code as those divisions existed prior to September 30, 3369
2021, for fiscal year 2020 in accordance with division (A) of 3370
Section 265.235 of H.B. 166 of the 133rd general assembly) 3371

(O) For fiscal years 2026 and 2027, "funding base" means, 3372
for a joint vocational school district, the sum of the following 3373
as calculated by the department: 3374

(1) The district's "general funding base," which equals 3375
the amount calculated as follows: 3376

(a) Compute the sum of the following: 3377

(i) The district's payments for fiscal year 2020 under 3378
Section 265.225 of H.B. 166 of the 133rd general assembly after 3379
any adjustments required under Section 265.227 of H.B. 166 of 3380
the 133rd general assembly; 3381

(ii) For fiscal years 2026 and 2027, the district's 3382
payments for fiscal year 2020 under divisions (D) (1) and (2) of 3383
section 3313.981 of the Revised Code as those divisions existed 3384

prior to September 30, 2021. 3385

(b) Subtract from the amount paid to the district under 3386
division (A) (3) of section 3317.16 of the Revised Code, as that 3387
division existed prior to September 30, 2021, for fiscal year 3388
2019. 3389

(2) The district's "disadvantaged pupil impact aid funding 3390
base," which equals the amount paid to the district under 3391
division (A) (3) of section 3317.16 of the Revised Code, as that 3392
division existed prior to September 30, 2021, for fiscal year 3393
2019. 3394

(P) For fiscal years 2026 and 2027, "funding base" for a 3395
community school means the following: 3396

(1) For a community school that was in operation for the 3397
entirety of fiscal year 2020, the amount paid to the school for 3398
that fiscal year under division (C) (1) of section 3314.08 of the 3399
Revised Code as that division existed prior to September 30, 3400
2021, in accordance with division (A) of Section 265.230 of H.B. 3401
166 of the 133rd general assembly and the amount, if any, paid 3402
to the school for that fiscal year under section 3314.085 of the 3403
Revised Code in accordance with division (B) of Section 265.230 3404
of H.B. 166 of the 133rd general assembly; 3405

(2) For a community school that was in operation for part 3406
of fiscal year 2020, the amount that would have been paid to the 3407
school for that fiscal year under division (C) (1) of section 3408
3314.08 of the Revised Code as that division existed prior to 3409
September 30, 2021, in accordance with division (A) of Section 3410
265.230 of H.B. 166 of the 133rd general assembly if the school 3411
had been in operation for the entirety of that fiscal year, as 3412
calculated by the department, and the amount that would have 3413

been paid to the school for that fiscal year under section 3414
3314.085 of the Revised Code in accordance with division (B) of 3415
Section 265.230 of H.B. 166 of the 133rd general assembly, if 3416
any, if the school had been in operation for the entirety of 3417
that fiscal year, as calculated by the department; 3418

(3) For a community school that was not in operation for 3419
fiscal year 2020, the amount that would have been paid to the 3420
school if it was in operation for that school year under 3421
division (C)(1) of section 3314.08 of the Revised Code as that 3422
division existed prior to September 30, 2021, in accordance with 3423
division (A) of Section 265.230 of H.B. 166 of the 133rd general 3424
assembly if the school had been in operation for the entirety of 3425
that fiscal year, as calculated by the department, and the 3426
amount that would have been paid to the school for that fiscal 3427
year under section 3314.085 of the Revised Code in accordance 3428
with division (B) of Section 265.230 of H.B. 166 of the 133rd 3429
general assembly, if any, if the school had been in operation 3430
for the entirety of that fiscal year, as calculated by the 3431
department. 3432

(Q) For fiscal years 2026 and 2027, "funding base" for a 3433
STEM school means the following: 3434

(1) For a science, technology, engineering, and 3435
mathematics school that was in operation for the entirety of 3436
fiscal year 2020, the amount paid to the school for that fiscal 3437
year under section 3326.33 of the Revised Code as that section 3438
existed prior to September 30, 2021, in accordance with division 3439
(A) of Section 265.235 of H.B. 166 of the 133rd general assembly 3440
and the amount, if any, paid to the school for that fiscal year 3441
under section 3326.41 of the Revised Code in accordance with 3442
division (B) of Section 265.235 of H.B. 166 of the 133rd general 3443

assembly; 3444

(2) For a science, technology, engineering, and 3445
mathematics school that was in operation for part of fiscal year 3446
2020, the amount that would have been paid to the school for 3447
that fiscal year under section 3326.33 of the Revised Code as 3448
that section existed prior to September 30, 2021, in accordance 3449
with division (A) of Section 265.235 of H.B. 166 of the 133rd 3450
general assembly if the school had been in operation for the 3451
entirety of that fiscal year, as calculated by the department, 3452
and the amount that would have been paid to the school for that 3453
fiscal year under section 3326.41 of the Revised Code in 3454
accordance with division (B) of Section 265.235 of H.B. 166 of 3455
the 133rd general assembly, if any, if the school had been in 3456
operation for the entirety of that fiscal year, as calculated by 3457
the department; 3458

(3) For a science, technology, engineering, and 3459
mathematics school that was not in operation for fiscal year 3460
2020, the amount that would have been paid to the school if it 3461
was in operation for that school year under section 3326.33 of 3462
the Revised Code as that section existed prior to September 30, 3463
2021, in accordance with division (A) of Section 265.235 of H.B. 3464
166 of the 133rd general assembly if the school had been in 3465
operation for the entirety of that fiscal year, as calculated by 3466
the department, and the amount that would have been paid to the 3467
school for that fiscal year under section 3326.41 of the Revised 3468
Code in accordance with division (B) of Section 265.235 of H.B. 3469
166 of the 133rd general assembly, if any, if the school had 3470
been in operation for the entirety of that fiscal year, as 3471
calculated by the department. 3472

(R) "Funding unit" means any of the following: 3473

(1) A city, local, exempted village, or joint vocational school district;	3474 3475
(2) The community and STEM school unit;	3476
(3) The educational choice scholarship unit;	3477
(4) The pilot project scholarship unit;	3478
(5) The autism scholarship unit;	3479
(6) The Jon Peterson special needs scholarship unit.	3480
(S) "Jon Peterson special needs scholarship unit" means a unit that consists of all of the students for whom Jon Peterson scholarships are awarded under sections 3310.51 to 3310.64 of the Revised Code.	3481 3482 3483 3484
(T) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.	3485 3486
(U) "LRE student with a disability" means a child with a disability who has an individualized education program providing for the student to spend more than half of each school day in a regular school setting with nondisabled students. For purposes of this division, "individualized education program" and "child with a disability" have the same meanings as in section 3323.01 of the Revised Code, and "LRE" is an abbreviation for "least restrictive environment."	3487 3488 3489 3490 3491 3492 3493 3494
(V) "Medically fragile child" means a child to whom all of the following apply:	3495 3496
(1) The child requires the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of the child's medical condition.	3497 3498 3499
(2) The child requires the services of a registered nurse	3500

on a daily basis. 3501

(3) The child is at risk of institutionalization in a 3502
hospital, skilled nursing facility, or intermediate care 3503
facility for individuals with intellectual disabilities. 3504

(W) (1) A child may be identified as having an "other 3505
health impairment-major" if the child's condition meets the 3506
definition of "other health impaired" established in rules 3507
previously adopted by the department and if either of the 3508
following apply: 3509

(a) The child is identified as having a medical condition 3510
that is among those listed by the department as conditions where 3511
a substantial majority of cases fall within the definition of 3512
"medically fragile child." 3513

(b) The child is determined by the department to be a 3514
medically fragile child. A school district superintendent may 3515
petition the department for a determination that a child is a 3516
medically fragile child. 3517

(2) A child may be identified as having an "other health 3518
impairment-minor" if the child's condition meets the definition 3519
of "other health impaired" established in rules previously 3520
adopted by the department but the child's condition does not 3521
meet either of the conditions specified in division (W) (1) (a) or 3522
(b) of this section. 3523

(X) (1) For fiscal years 2026 and 2027, a city, local, 3524
exempted village, or joint vocational school district's, 3525
community school's, or STEM school's "general phase-in 3526
percentage" is equal to the percentage for that fiscal year that 3527
is determined by the general assembly. 3528

(2) For fiscal years 2026 and 2027, a city, local, 3529

exempted village, or joint vocational school district's "phase- 3530
in percentage for disadvantaged pupil impact aid" is equal to 3531
the percentage for that fiscal year that is determined by the 3532
general assembly. 3533

(Y) "Pilot project scholarship unit" means a unit that 3534
consists of all of the students for whom pilot project 3535
scholarships are awarded under sections 3313.974 to 3313.979 of 3536
the Revised Code. 3537

~~(Z)~~ (Z) (1) "Preschool child with a disability" means a 3538
child with a disability, as defined in section 3323.01 of the 3539
Revised Code, who is at least age three but is not of compulsory 3540
school age, as defined in section 3321.01 of the Revised Code, 3541
and who is not currently enrolled in kindergarten. 3542

(2) "Preschool program" means a preschool program that is 3543
licensed under sections 3301.52 to 3301.59 of the Revised Code. 3544

(AA) "Related services" includes: 3545

(1) Child study, special education supervisors and 3546
coordinators, speech and hearing services, adaptive physical 3547
development services, occupational or physical therapy, teacher 3548
assistants for children with disabilities whose disabilities are 3549
described in division (B) of section 3317.013 or division (G) (3) 3550
of this section, behavioral intervention, interpreter services, 3551
work study, nursing services, and specialized integrative 3552
services as those terms are defined by the department; 3553

(2) Speech and language services provided to any student 3554
with a disability, including any student whose primary or only 3555
disability is a speech and language disability; 3556

(3) Any related service not specifically covered by other 3557
state funds but specified in federal law, including but not 3558

limited to, audiology and school psychological services;	3559
(4) Any service included in units funded under former	3560
division (O) (1) of section 3317.024 of the Revised Code;	3561
(5) Any other related service needed by children with	3562
disabilities in accordance with their individualized education	3563
programs.	3564
(BB) "School district," unless otherwise specified, means	3565
city, local, and exempted village school districts.	3566
(CC) "Separately educated student with a disability" has	3567
the same meaning as in section 3313.974 of the Revised Code.	3568
(DD) "State education aid" has the same meaning as in	3569
section 5751.20 of the Revised Code.	3570
(EE) (1) "State share percentage" means the following for a	3571
city, local, or exempted village school district:	3572
(a) For fiscal years 2026 and 2027, the state share	3573
percentage calculated under section 3317.017 of the Revised	3574
Code;	3575
(b) For fiscal year 2028 and each fiscal year thereafter,	3576
a percentage calculated in a manner determined by the general	3577
assembly.	3578
(2) "State share percentage" means, for a joint vocational	3579
school district, the district's state share percentage	3580
calculated under section 3317.165 of the Revised Code.	3581
(FF) "Statewide average base cost per pupil" means the	3582
following:	3583
(1) For fiscal years 2026 and 2027, the statewide average	3584
base cost per pupil calculated under division (A) of section	3585

3317.018 of the Revised Code;	3586
(2) For fiscal year 2028 and each fiscal year thereafter,	3587
an amount calculated in a manner determined by the general	3588
assembly.	3589
(GG) "Statewide average career-technical base cost per	3590
pupil" means the following:	3591
(1) For fiscal years 2026 and 2027, the statewide average	3592
career-technical base cost per pupil calculated under division	3593
(B) of section 3317.018 of the Revised Code;	3594
(2) For fiscal year 2028 and each fiscal year thereafter,	3595
an amount calculated in a manner determined by the general	3596
assembly.	3597
(HH) "STEM school" means a science, technology,	3598
engineering, and mathematics school established under Chapter	3599
3326. of the Revised Code.	3600
(II) "Taxes charged and payable" means the taxes charged	3601
and payable against real and public utility property after	3602
making the reduction required by section 319.301 of the Revised	3603
Code, plus the taxes levied against tangible personal property.	3604
(JJ) For purposes of sections 3317.017 and 3317.165 of the	3605
Revised Code, "three-year average valuation" for a fiscal year	3606
means the average of total taxable value for the three most	3607
recent tax years for which data is available, as certified under	3608
section 3317.021 of the Revised Code.	3609
(KK) "Total ADM" means, for a city, local, or exempted	3610
village school district, the enrollment reported under division	3611
(A) of section 3317.03 of the Revised Code minus the enrollment	3612
reported under divisions (A) (2) (a), (b), (g), (h), and (i) of	3613

that section, as verified by the department and adjusted if so 3614
ordered under division (K) of that section. 3615

(LL) "Total special education ADM" means the sum of 3616
categories one through six special education ADM. 3617

(MM) "Total taxable value" means the sum of the amounts 3618
certified for a city, local, exempted village, or joint 3619
vocational school district under divisions (A) (1) and (2) of 3620
section 3317.021 of the Revised Code. 3621

(NN) "Tuition discount" means any deduction from the base 3622
tuition amount per student charged by a chartered nonpublic 3623
school, to which the student's family is entitled due to one or 3624
more of the following conditions: 3625

(1) The student's family has multiple children enrolled in 3626
the same school. 3627

(2) The student's family is a member of or affiliated with 3628
a religious or secular organization that provides oversight of 3629
the school or from which the school has agreed to enroll 3630
students. 3631

(3) The student's parent is an employee of the school. 3632

(4) Some other qualification not based on the income of 3633
the student's family or the student's athletic or academic 3634
ability and for which all students in the school may qualify. 3635

Sec. 3317.0213. (A) The department of education and 3636
workforce shall compute and pay in accordance with this section 3637
additional state aid for preschool children with disabilities ~~to~~ 3638
~~each city, local, and exempted village school district and to~~ 3639
each institution, as defined in section 3323.091 of the Revised 3640
Code. Funding shall be provided for children who are not 3641

enrolled in kindergarten and who are under age six on the 3642
thirtieth day of September of the academic year, or on the first 3643
day of August of the academic year if the school district in 3644
which the child is enrolled has adopted a resolution under 3645
division (A) (3) of section 3321.01 of the Revised Code, but not 3646
less than age three on the first day of December of the academic 3647
year. 3648

For fiscal years 2026 and 2027, the additional state aid 3649
shall be calculated under the following formula: 3650

(\$4,000 X the number of students who are preschool 3651
children with disabilities) + the sum of the following: 3652

(1) The ~~district's or~~ institution's category one special 3653
education students who are preschool children with disabilities 3654
X the multiple specified in division (A) of section 3317.013 of 3655
the Revised Code X the statewide average base cost per pupil for 3656
that fiscal year X the district's state share percentage X 0.50; 3657

(2) The ~~district's or~~ institution's category two special 3658
education students who are preschool children with disabilities 3659
X the multiple specified in division (B) of section 3317.013 of 3660
the Revised Code X the statewide average base cost per pupil for 3661
that fiscal year X the district's state share percentage X 0.50; 3662

(3) The ~~district's or~~ institution's category three special 3663
education students who are preschool children with disabilities 3664
X the multiple specified in division (C) of section 3317.013 of 3665
the Revised Code X the statewide average base cost per pupil for 3666
that fiscal year X the district's state share percentage X 0.50; 3667

(4) The ~~district's or~~ institution's category four special 3668
education students who are preschool children with disabilities 3669
X the multiple specified in division (D) of section 3317.013 of 3670

the Revised Code X the statewide average base cost per pupil for 3671
that fiscal year X the district's state share percentage X 0.50; 3672

(5) The ~~district's or~~ institution's category five special 3673
education students who are preschool children with disabilities 3674
X the multiple specified in division (E) of section 3317.013 of 3675
the Revised Code X the statewide average base cost per pupil for 3676
that fiscal year X the district's state share percentage X 0.50; 3677

(6) The ~~district's or~~ institution's category six special 3678
education students who are preschool children with disabilities 3679
X the multiple specified in division (F) of section 3317.013 of 3680
the Revised Code X the statewide average base cost per pupil for 3681
that fiscal year X the district's state share percentage X 0.50. 3682

For fiscal year 2028 and each fiscal year thereafter, the 3683
additional state aid shall be calculated for each category of 3684
special education students who are preschool children with 3685
disabilities using a formula specified by the general assembly. 3686

The special education disability categories for preschool 3687
children used in this section are the same categories prescribed 3688
in section 3317.013 of the Revised Code. 3689

As used in division (A) of this section, the state share 3690
percentage of a student enrolled in an institution is the state 3691
share percentage of the school district in which the student is 3692
entitled to attend school under section 3313.64 or 3313.65 of 3693
the Revised Code. 3694

(B) If an educational service center is providing services 3695
to students who are preschool children with disabilities under 3696
agreement with the city, local, or exempted village school 3697
district in which the students are entitled to attend school, 3698
that district may authorize the department to transfer funds 3699

computed under this section to the service center providing 3700
those services. 3701

(C) If a county DD board is providing services to students 3702
who are preschool children with disabilities under agreement 3703
with the city, local, or exempted village school district in 3704
which the students are entitled to attend school, the department 3705
shall deduct from the district's payment computed under division 3706
(A) of this section the total amount of those funds that are 3707
attributable to the students served by the county DD board and 3708
pay that amount to that board. 3709

Sec. 3317.03. (A) The superintendent of each city, local, 3710
and exempted village school district shall report to the 3711
department of education and workforce as of the last day of 3712
October, March, and June of each year the enrollment of students 3713
receiving services from schools under the superintendent's 3714
supervision, and the numbers of other students entitled to 3715
attend school in the district under section 3313.64 or 3313.65 3716
of the Revised Code the superintendent is required to report 3717
under this section, so that the department can calculate the 3718
district's enrolled ADM, formula ADM, total ADM, category one 3719
through five career-technical education ADM, category one 3720
through three English learner ADM, category one through six 3721
special education ADM, transportation ADM, and, for purposes of 3722
provisions of law outside of Chapter 3317. of the Revised Code, 3723
average daily membership. 3724

(1) The enrollment reported by the superintendent during 3725
the reporting period shall consist of the sum of the number of 3726
students in grades kindergarten through twelve receiving any 3727
educational services from the district and the number of 3728
students enrolled in the district's preschool program who reside 3729

<u>in the district</u> , except that the following categories of	3730
students shall not be included in the determination:	3731
(a) Students enrolled in adult education classes;	3732
(b) Adjacent or other district students enrolled in the	3733
district under an open enrollment policy pursuant to section	3734
3313.98 of the Revised Code;	3735
(c) Students receiving services in the district pursuant	3736
to a compact, cooperative education agreement, or a contract,	3737
but who are entitled to attend school in another district	3738
pursuant to section 3313.64 or 3313.65 of the Revised Code;	3739
(d) Students for whom tuition is payable pursuant to	3740
sections 3317.081 and 3323.141 of the Revised Code;	3741
(e) Students receiving services in the district through a	3742
scholarship awarded under either section 3310.41 or sections	3743
3310.51 to 3310.64 of the Revised Code.	3744
When reporting students under division (A)(1) of this	3745
section, the superintendent also shall report the district where	3746
each student is entitled to attend school pursuant to sections	3747
3313.64 and 3313.65 of the Revised Code.	3748
(2) The department shall compile a list of all students	3749
reported to be enrolled in a district under division (A)(1) of	3750
this section and of the students entitled to attend school in	3751
the district pursuant to section 3313.64 or 3313.65 of the	3752
Revised Code on an FTE basis but receiving educational services	3753
in grades kindergarten through twelve from one or more of the	3754
following entities:	3755
(a) A community school pursuant to Chapter 3314. of the	3756
Revised Code, including any participation in a college pursuant	3757

to Chapter 3365. of the Revised Code while enrolled in such 3758
community school; 3759

(b) An alternative school pursuant to sections 3313.974 to 3760
3313.979 of the Revised Code; 3761

(c) A college pursuant to Chapter 3365. of the Revised 3762
Code, except when the student is enrolled in the college while 3763
also enrolled in a community school pursuant to Chapter 3314., a 3764
science, technology, engineering, and mathematics school 3765
established under Chapter 3326., or a college-preparatory 3766
boarding school established under Chapter 3328. of the Revised 3767
Code; 3768

(d) An adjacent or other school district under an open 3769
enrollment policy adopted pursuant to section 3313.98 of the 3770
Revised Code; 3771

(e) An educational service center or cooperative education 3772
district; 3773

(f) Another school district under a cooperative education 3774
agreement, compact, or contract; 3775

(g) A chartered nonpublic school with a scholarship paid 3776
under section 3317.022 of the Revised Code, if the students 3777
qualified for the scholarship under section 3310.03 or 3310.032 3778
of the Revised Code; 3779

(h) An alternative public provider or a registered private 3780
provider with a scholarship awarded under either section 3310.41 3781
or sections 3310.51 to 3310.64 of the Revised Code. 3782

As used in this section, "alternative public provider" and 3783
"registered private provider" have the same meanings as in 3784
section 3310.41 or 3310.51 of the Revised Code, as applicable. 3785

(i) A science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;

(j) A college-preparatory boarding school established under Chapter 3328. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school.

(3) The department also shall compile a list of the students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in a joint vocational school district or under a career-technical education compact, excluding any students so entitled to attend school in the district who are enrolled in another school district through an open enrollment policy as reported under division (A) (2) (d) of this section and then enroll in a joint vocational school district or under a career-technical education compact.

The department shall provide each city, local, and exempted village school district with an opportunity to review the list of students compiled under divisions (A) (2) and (3) of this section to ensure that the students reported accurately reflect the enrollment of students in the district.

(B) To enable the department to obtain the data needed to complete the calculation of payments pursuant to this chapter, each superintendent shall certify from the reports provided by the department under division (A) of this section all of the following:

~~(1)~~ (1) (a) The total student enrollment in regular

learning day classes included in the report under division (A)	3815
(1) or (2), including any student described in division (A) (1)	3816
(b) of this section and excluding any student reported under	3817
divisions (A) (2) (a), (b), (d), (g), (h), (i), and (j) of this	3818
section, of this section for each of the individual grades	3819
kindergarten through twelve in schools under the	3820
superintendent's supervision;	3821
<u>(b) The total enrollment of students in the district's</u>	3822
<u>preschool program who reside in the district.</u>	3823
(2) The unduplicated count of the number of preschool	3824
children with disabilities enrolled in the district for whom the	3825
district is eligible to receive funding under section 3317.0213	3826
of the Revised Code adjusted for the portion of the year each	3827
child is so enrolled, in accordance with the disability	3828
categories prescribed in section 3317.013 of the Revised Code;	3829
(3) The number of children entitled to attend school in	3830
the district pursuant to section 3313.64 or 3313.65 of the	3831
Revised Code who are:	3832
(a) Enrolled in a college under Chapter 3365. of the	3833
Revised Code, except when the student is enrolled in the college	3834
while also enrolled in a community school pursuant to Chapter	3835
3314. of the Revised Code, a science, technology, engineering,	3836
and mathematics school established under Chapter 3326., or a	3837
college-preparatory boarding school established under Chapter	3838
3328. of the Revised Code;	3839
(b) Participating in a program operated by a county board	3840
of developmental disabilities or a state institution.	3841
(4) The total enrollment of pupils in joint vocational	3842
schools;	3843

(5) The combined enrollment of children with disabilities 3844
reported under division (A)(1) or (2) of this section, including 3845
any student described in division (A)(1)(b) of this section and 3846
excluding any student reported under divisions (A)(2)(a), (b), 3847
(d), (g), (h), (i), and (j) of this section, receiving special 3848
education services for the category one disability described in 3849
division (A) of section 3317.013 of the Revised Code, including 3850
children attending a special education program operated by an 3851
alternative public provider or a registered private provider 3852
with a scholarship awarded under sections 3310.51 to 3310.64 of 3853
the Revised Code; 3854

(6) The combined enrollment of children with disabilities 3855
reported under division (A)(1) or (2) of this section, including 3856
any student described in division (A)(1)(b) of this section and 3857
excluding any student reported under divisions (A)(2)(a), (b), 3858
(d), (g), (h), (i), and (j) of this section, receiving special 3859
education services for category two disabilities described in 3860
division (B) of section 3317.013 of the Revised Code, including 3861
children attending a special education program operated by an 3862
alternative public provider or a registered private provider 3863
with a scholarship awarded under sections 3310.51 to 3310.64 of 3864
the Revised Code; 3865

(7) The combined enrollment of children with disabilities 3866
reported under division (A)(1) or (2) of this section, including 3867
any student described in division (A)(1)(b) of this section and 3868
excluding any student reported under divisions (A)(2)(a), (b), 3869
(d), (g), (h), (i), and (j) of this section, receiving special 3870
education services for category three disabilities described in 3871
division (C) of section 3317.013 of the Revised Code, including 3872
children attending a special education program operated by an 3873
alternative public provider or a registered private provider 3874

with a scholarship awarded under sections 3310.51 to 3310.64 of 3875
the Revised Code; 3876

(8) The combined enrollment of children with disabilities 3877
reported under division (A)(1) or (2) of this section, including 3878
any student described in division (A)(1)(b) of this section and 3879
excluding any student reported under divisions (A)(2)(a), (b), 3880
(d), (g), (h), (i), and (j) of this section, receiving special 3881
education services for category four disabilities described in 3882
division (D) of section 3317.013 of the Revised Code, including 3883
children attending a special education program operated by an 3884
alternative public provider or a registered private provider 3885
with a scholarship awarded under sections 3310.51 to 3310.64 of 3886
the Revised Code; 3887

(9) The combined enrollment of children with disabilities 3888
reported under division (A)(1) or (2) of this section, including 3889
any student described in division (A)(1)(b) of this section and 3890
excluding any student reported under divisions (A)(2)(a), (b), 3891
(d), (g), (h), (i), and (j) of this section, receiving special 3892
education services for the category five disabilities described 3893
in division (E) of section 3317.013 of the Revised Code, 3894
including children attending a special education program 3895
operated by an alternative public provider or a registered 3896
private provider with a scholarship awarded under sections 3897
3310.51 to 3310.64 of the Revised Code; 3898

(10) The combined enrollment of children with disabilities 3899
reported under division (A)(1) or (2) of this section, including 3900
any student described in division (A)(1)(b) of this section and 3901
excluding any student reported under divisions (A)(2)(a), (b), 3902
(d), (g), (h), (i), and (j) of this section, receiving special 3903
education services for category six disabilities described in 3904

division (F) of section 3317.013 of the Revised Code, including 3905
children attending a special education program operated by an 3906
alternative public provider or a registered private provider 3907
with a scholarship awarded under either section 3310.41 or 3908
sections 3310.51 to 3310.64 of the Revised Code; 3909

(11) The enrollment of pupils reported under division (A) 3910
(1) or (2) of this section on a full-time equivalency basis, 3911
including any student described in division (A)(1)(b) of this 3912
section and excluding any student reported under divisions (A) 3913
(2)(a), (b), (d), (g), (h), (i), and (j) of this section, in 3914
category one career-technical education programs or classes, 3915
described in division (A)(1) of section 3317.014 of the Revised 3916
Code, operated by the school district or by another district 3917
that is a member of the district's career-technical planning 3918
district, other than a joint vocational school district, or by 3919
an educational service center, notwithstanding division (M) of 3920
section 3317.02 of the Revised Code and division (C)(3) of this 3921
section; 3922

(12) The enrollment of pupils reported under division (A) 3923
(1) or (2) of this section on a full-time equivalency basis, 3924
including any student described in division (A)(1)(b) of this 3925
section and excluding any student reported under divisions (A) 3926
(2)(a), (b), (d), (g), (h), (i), and (j) of this section, in 3927
category two career-technical education programs or services, 3928
described in division (A)(2) of section 3317.014 of the Revised 3929
Code, operated by the school district or another school district 3930
that is a member of the district's career-technical planning 3931
district, other than a joint vocational school district, or by 3932
an educational service center, notwithstanding division (M) of 3933
section 3317.02 of the Revised Code and division (C)(3) of this 3934
section; 3935

(13) The enrollment of pupils reported under division (A) 3936
(1) or (2) of this section on a full-time equivalency basis, 3937
including any student described in division (A)(1)(b) of this 3938
section and excluding any student reported under divisions (A) 3939
(2)(a), (b), (d), (g), (h), (i), and (j) of this section, in 3940
category three career-technical education programs or services, 3941
described in division (A)(3) of section 3317.014 of the Revised 3942
Code, operated by the school district or another school district 3943
that is a member of the district's career-technical planning 3944
district, other than a joint vocational school district, or by 3945
an educational service center, notwithstanding division (M) of 3946
section 3317.02 of the Revised Code and division (C)(3) of this 3947
section; 3948

(14) The enrollment of pupils reported under division (A) 3949
(1) or (2) of this section on a full-time equivalency basis, 3950
including any student described in division (A)(1)(b) of this 3951
section and excluding any student reported under divisions (A) 3952
(2)(a), (b), (d), (g), (h), (i), and (j) of this section, in 3953
category four career-technical education programs or services, 3954
described in division (A)(4) of section 3317.014 of the Revised 3955
Code, operated by the school district or another school district 3956
that is a member of the district's career-technical planning 3957
district, other than a joint vocational school district, or by 3958
an educational service center, notwithstanding division (M) of 3959
section 3317.02 of the Revised Code and division (C)(3) of this 3960
section; 3961

(15) The enrollment of pupils reported under division (A) 3962
(1) or (2) of this section on a full-time equivalency basis, 3963
including any student described in division (A)(1)(b) of this 3964
section and excluding any student reported under divisions (A) 3965
(2)(a), (b), (d), (g), (h), (i), and (j) of this section, in 3966

category five career-technical education programs or services, 3967
described in division (A) (5) of section 3317.014 of the Revised 3968
Code, operated by the school district or another school district 3969
that is a member of the district's career-technical planning 3970
district, other than a joint vocational school district, or by 3971
an educational service center, notwithstanding division (M) of 3972
section 3317.02 of the Revised Code and division (C) (3) of this 3973
section; 3974

(16) The enrollment of pupils reported under division (A) 3975
(1) or (2) of this section who are English learners described in 3976
division (A) of section 3317.016 of the Revised Code, including 3977
any student described in division (A) (1) (b) of this section and 3978
excluding any student reported under divisions (A) (2) (a), (b), 3979
(d), (g), (h), (i), and (j) of this section; 3980

(17) The enrollment of pupils reported under division (A) 3981
(1) or (2) of this section who are English learners described in 3982
division (B) of section 3317.016 of the Revised Code, including 3983
any student described in division (A) (1) (b) of this section and 3984
excluding any student reported under divisions (A) (2) (a), (b), 3985
(d), (g), (h), (i), and (j) of this section; 3986

(18) The enrollment of pupils reported under division (A) 3987
(1) or (2) of this section who are English learners described in 3988
division (C) of section 3317.016 of the Revised Code, including 3989
any student described in division (A) (1) (b) of this section and 3990
excluding any student reported under divisions (A) (2) (a), (b), 3991
(d), (g), (h), (i), and (j) of this section; 3992

(19) The average number of children transported during the 3993
reporting period by the school district on board-owned or 3994
contractor-owned and -operated buses, reported in accordance 3995
with rules adopted by the department; 3996

(20) (a) The number of children, other than preschool 3997
children with disabilities, the district placed with a county 3998
board of developmental disabilities in fiscal year 1998. 3999
Division (B) (20) (a) of this section does not apply after fiscal 4000
year 2013. 4001

(b) The number of children with disabilities, other than 4002
preschool children with disabilities, placed with a county board 4003
of developmental disabilities in the current fiscal year to 4004
receive special education services for the category one 4005
disability described in division (A) of section 3317.013 of the 4006
Revised Code; 4007

(c) The number of children with disabilities, other than 4008
preschool children with disabilities, placed with a county board 4009
of developmental disabilities in the current fiscal year to 4010
receive special education services for category two disabilities 4011
described in division (B) of section 3317.013 of the Revised 4012
Code; 4013

(d) The number of children with disabilities, other than 4014
preschool children with disabilities, placed with a county board 4015
of developmental disabilities in the current fiscal year to 4016
receive special education services for category three 4017
disabilities described in division (C) of section 3317.013 of 4018
the Revised Code; 4019

(e) The number of children with disabilities, other than 4020
preschool children with disabilities, placed with a county board 4021
of developmental disabilities in the current fiscal year to 4022
receive special education services for category four 4023
disabilities described in division (D) of section 3317.013 of 4024
the Revised Code; 4025

(f) The number of children with disabilities, other than 4026
preschool children with disabilities, placed with a county board 4027
of developmental disabilities in the current fiscal year to 4028
receive special education services for the category five 4029
disabilities described in division (E) of section 3317.013 of 4030
the Revised Code; 4031

(g) The number of children with disabilities, other than 4032
preschool children with disabilities, placed with a county board 4033
of developmental disabilities in the current fiscal year to 4034
receive special education services for category six disabilities 4035
described in division (F) of section 3317.013 of the Revised 4036
Code. 4037

(21) The enrollment of students who are economically 4038
disadvantaged, as defined by the department, including any 4039
student described in divisions (A) (1) (b) of this section and 4040
excluding any student reported under divisions (A) (2) (a), (b), 4041
(d), (g), (h), (i), and (j) of this section. A student shall not 4042
be categorically excluded from the number reported under 4043
division (B) (21) of this section based on anything other than 4044
family income. 4045

(22) The enrollment of students identified as gifted under 4046
division (A), (B), (C), or (D) of section 3324.03 of the Revised 4047
Code. 4048

(C) (1) The department shall adopt rules necessary for 4049
implementing divisions (A), (B), and (D) of this section. 4050

(2) A student enrolled in a community school established 4051
under Chapter 3314., a science, technology, engineering, and 4052
mathematics school established under Chapter 3326., or a 4053
college-preparatory boarding school established under Chapter 4054

3328. of the Revised Code shall be counted in the formula ADM of 4055
the school district in which the student is entitled to attend 4056
school under section 3313.64 or 3313.65 of the Revised Code for 4057
the same proportion of the school year that the student is 4058
counted in the enrollment of the community school, the science, 4059
technology, engineering, and mathematics school, or the college- 4060
preparatory boarding school for purposes of section 3317.022 or 4061
3328.24 of the Revised Code. Notwithstanding the enrollment of 4062
students reported pursuant to division (A)(2)(a), (i), or (j) of 4063
this section, the department may adjust the formula ADM of a 4064
school district to account for students entitled to attend 4065
school in the district under section 3313.64 or 3313.65 of the 4066
Revised Code who are enrolled in a community school, a science, 4067
technology, engineering, and mathematics school, or a college- 4068
preparatory boarding school for only a portion of the school 4069
year. 4070

(3) No child shall be counted as more than a total of one 4071
child in the sum of the enrollment of students of a school 4072
district under division (A), divisions (B)(1) to (22), or 4073
division (D) of this section, except as follows: 4074

(a) (i) A child with a disability described in section 4075
3317.013 of the Revised Code may be counted both in formula ADM 4076
and in category one, two, three, four, five, or six special 4077
education ADM and, if applicable, in category one, two, three, 4078
four, or five career-technical education ADM. As provided in 4079
division (M) of section 3317.02 of the Revised Code, such a 4080
child shall be counted in category one, two, three, four, five, 4081
or six special education ADM in the same proportion that the 4082
child is counted in formula ADM. 4083

(ii) A child with a disability described in section 4084

3317.013 of the Revised Code may be counted both in enrolled ADM 4085
and in category one, two, three, four, five, or six special 4086
education ADM and, if applicable, in category one, two, three, 4087
four, or five career-technical education ADM. As provided in 4088
division (M) of section 3317.02 of the Revised Code, such a 4089
child shall be counted in category one, two, three, four, five, 4090
or six special education ADM in the same proportion that the 4091
child is counted in enrolled ADM. 4092

(b) (i) A child enrolled in career-technical education 4093
programs or classes described in section 3317.014 of the Revised 4094
Code may be counted both in formula ADM and category one, two, 4095
three, four, or five career-technical education ADM and, if 4096
applicable, in category one, two, three, four, five, or six 4097
special education ADM. Such a child shall be counted in category 4098
one, two, three, four, or five career-technical education ADM in 4099
the same proportion as the percentage of time that the child 4100
spends in the career-technical education programs or classes. 4101

(ii) A child enrolled in career-technical education 4102
programs or classes described in section 3317.014 of the Revised 4103
Code may be counted both in enrolled ADM and category one, two, 4104
three, four, or five career-technical education ADM and, if 4105
applicable, in category one, two, three, four, five, or six 4106
special education ADM. Such a child shall be counted in category 4107
one, two, three, four, or five career-technical education ADM in 4108
the same proportion as the percentage of time that the child 4109
spends in the career-technical education programs or classes. 4110

(4) Based on the information reported under this section, 4111
the department shall determine the total student count, as 4112
defined in section 3301.011 of the Revised Code, for each school 4113
district. 4114

(D) (1) The superintendent of each joint vocational school 4115
district shall report and certify to the department as of the 4116
last day of October, March, and June of each year the enrollment 4117
of students receiving services from schools under the 4118
superintendent's supervision so that the department can 4119
calculate the district's enrolled ADM, formula ADM, total ADM, 4120
category one through five career-technical education ADM, 4121
category one through three English learner ADM, category one 4122
through six special education ADM, and for purposes of 4123
provisions of law outside of Chapter 3317. of the Revised Code, 4124
average daily membership. 4125

The enrollment reported and certified by the 4126
superintendent, except as otherwise provided in this division, 4127
shall consist of the number of students in grades six through 4128
twelve receiving any educational services from the district, 4129
except that the following categories of students shall not be 4130
included in the determination: 4131

(a) Students enrolled in adult education classes; 4132

(b) Adjacent or other district joint vocational students 4133
enrolled in the district under an open enrollment policy 4134
pursuant to section 3313.98 of the Revised Code; 4135

(c) Students receiving services in the district pursuant 4136
to a compact, cooperative education agreement, or a contract, 4137
but who are entitled to attend school in a city, local, or 4138
exempted village school district whose territory is not part of 4139
the territory of the joint vocational district; 4140

(d) Students for whom tuition is payable pursuant to 4141
sections 3317.081 and 3323.141 of the Revised Code. 4142

(2) To enable the department to obtain the data needed to 4143

complete the calculation of payments pursuant to this chapter, 4144
each superintendent shall certify from the report provided under 4145
division (D) (1) of this section the enrollment for each of the 4146
following categories of students: 4147

(a) Students enrolled in each individual grade included in 4148
the joint vocational district schools, including any student 4149
described in division (D) (1) (b) of this section; 4150

(b) Children with disabilities receiving special education 4151
services for the category one disability described in division 4152
(A) of section 3317.013 of the Revised Code, including any 4153
student described in division (D) (1) (b) of this section; 4154

(c) Children with disabilities receiving special education 4155
services for the category two disabilities described in division 4156
(B) of section 3317.013 of the Revised Code, including any 4157
student described in division (D) (1) (b) of this section; 4158

(d) Children with disabilities receiving special education 4159
services for category three disabilities described in division 4160
(C) of section 3317.013 of the Revised Code, including any 4161
student described in division (D) (1) (b) of this section; 4162

(e) Children with disabilities receiving special education 4163
services for category four disabilities described in division 4164
(D) of section 3317.013 of the Revised Code, including any 4165
student described in division (D) (1) (b) of this section; 4166

(f) Children with disabilities receiving special education 4167
services for the category five disabilities described in 4168
division (E) of section 3317.013 of the Revised Code, including 4169
any student described in division (D) (1) (b) of this section; 4170

(g) Children with disabilities receiving special education 4171
services for category six disabilities described in division (F) 4172

of section 3317.013 of the Revised Code, including any student	4173
described in division (D) (1) (b) of this section;	4174
(h) Students receiving category one career-technical	4175
education services, described in division (A) (1) of section	4176
3317.014 of the Revised Code, including any student described in	4177
division (D) (1) (b) of this section;	4178
(i) Students receiving category two career-technical	4179
education services, described in division (A) (2) of section	4180
3317.014 of the Revised Code, including any student described in	4181
division (D) (1) (b) of this section;	4182
(j) Students receiving category three career-technical	4183
education services, described in division (A) (3) of section	4184
3317.014 of the Revised Code, including any student described in	4185
division (D) (1) (b) of this section;	4186
(k) Students receiving category four career-technical	4187
education services, described in division (A) (4) of section	4188
3317.014 of the Revised Code, including any student described in	4189
division (D) (1) (b) of this section;	4190
(l) Students receiving category five career-technical	4191
education services, described in division (A) (5) of section	4192
3317.014 of the Revised Code, including any student described in	4193
division (D) (1) (b) of this section;	4194
(m) English learners described in division (A) of section	4195
3317.016 of the Revised Code, including any student described in	4196
division (D) (1) (b) of this section;	4197
(n) English learners described in division (B) of section	4198
3317.016 of the Revised Code, including any student described in	4199
division (D) (1) (b) of this section;	4200

(o) English learners described in division (C) of section 4201
3317.016 of the Revised Code, including any student described in 4202
division (D) (1) (b) of this section; 4203

(p) Students who are economically disadvantaged, as 4204
defined by the department, including any student described in 4205
division (D) (1) (b) of this section. A student shall not be 4206
categorically excluded from the number reported under division 4207
(D) (2) (p) of this section based on anything other than family 4208
income. 4209

The superintendent of each joint vocational school 4210
district shall also indicate the city, local, or exempted 4211
village school district in which each joint vocational district 4212
pupil is entitled to attend school pursuant to section 3313.64 4213
or 3313.65 of the Revised Code. 4214

(E) In each school of each city, local, exempted village, 4215
joint vocational, and cooperative education school district 4216
there shall be maintained a record of school enrollment, which 4217
record shall accurately show, for each day the school is in 4218
session, the actual enrollment in regular day classes. For the 4219
purpose of determining the enrollment of students, the 4220
enrollment figure of any school shall not include any pupils 4221
except those pupils described by division (A) or (D) of this 4222
section. The record of enrollment for each school shall be 4223
maintained in such manner that no pupil shall be counted as 4224
enrolled prior to the actual date of entry in the school and 4225
also in such manner that where for any cause a pupil permanently 4226
withdraws from the school that pupil shall not be counted as 4227
enrolled from and after the date of such withdrawal. There shall 4228
not be included in the enrollment of any school any of the 4229
following: 4230

(1) Any pupil who has graduated from the twelfth grade of a public or nonpublic high school; 4231
4232

(2) Any pupil who is not a resident of the state; 4233

(3) Any pupil who was enrolled in the schools of the district 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 and was not excused pursuant to division (C) (1) or (3) of that section; 4234
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(4) Any pupil who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for reenrollment in the public school system of their residence not later than four years after termination of war or their honorable discharge; 4240
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(5) Any pupil who has a certificate of high school equivalence as defined in section 5107.40 of the Revised Code. 4248
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If, however, any veteran described by division (E) (4) of this section elects to enroll in special courses organized for veterans for whom tuition is paid under the provisions of federal laws, or otherwise, that veteran shall not be included in the enrollment of students determined under this section. 4250
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Notwithstanding division (E) (3) of this section, the enrollment of any school may include a pupil who did not take an assessment required by section 3301.0711 of the Revised Code if the department of education and workforce grants a waiver from the requirement to take the assessment to the specific pupil and 4255
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a parent is not paying tuition for the pupil pursuant to section 4260
3313.6410 of the Revised Code. The department may grant such a 4261
waiver only for good cause in accordance with rules adopted by 4262
the department. 4263

The enrolled ADM, formula ADM, total ADM, category one 4264
through five career-technical education ADM, category one 4265
through three English learner ADM, category one through six 4266
special education ADM, transportation ADM, and, for purposes of 4267
provisions of law outside of Chapter 3317. of the Revised Code, 4268
average daily membership of any school district shall be 4269
determined in accordance with rules adopted by the department. 4270

(F) (1) If a student attending a community school under 4271
Chapter 3314., a science, technology, engineering, and 4272
mathematics school established under Chapter 3326., or a 4273
college-preparatory boarding school established under Chapter 4274
3328. of the Revised Code is not included in the formula ADM 4275
calculated for the school district in which the student is 4276
entitled to attend school under section 3313.64 or 3313.65 of 4277
the Revised Code, the department shall adjust the formula ADM of 4278
that school district to include the student in accordance with 4279
division (C) (2) of this section. 4280

(2) If a student awarded an educational choice scholarship 4281
is not included in the formula ADM of the school district in 4282
which the student resides, the department shall adjust the 4283
formula ADM of that school district to include the student. 4284

(3) If a student awarded a scholarship under the Jon 4285
Peterson special needs scholarship program is not included in 4286
the formula ADM of the school district in which the student 4287
resides, the department shall adjust the formula ADM of that 4288
school district to include the student. 4289

(G) (1) (a) The superintendent of an institution operating a special education program pursuant to section 3323.091 of the Revised Code shall, for the programs under such superintendent's supervision, certify to the department, in the manner prescribed by the director of education and workforce, both of the following:

(i) The unduplicated count of the number of all children with disabilities other than preschool children with disabilities receiving services at the institution for each category of disability described in divisions (A) to (F) of section 3317.013 of the Revised Code adjusted for the portion of the year each child is so enrolled;

(ii) The unduplicated count of the number of all preschool children with disabilities in classes or programs for whom the district is eligible to receive funding under section 3317.0213 of the Revised Code adjusted for the portion of the year each child is so enrolled, reported according to the categories prescribed in section 3317.013 of the Revised Code.

(b) The superintendent of an institution with career-technical education units approved under section 3317.05 of the Revised Code shall, for the units under the superintendent's supervision, certify to the department the enrollment in those units, in the manner prescribed by the director of education and workforce.

(2) The superintendent of each county board of developmental disabilities that maintains special education classes under section 3317.20 of the Revised Code or provides services to preschool children with disabilities pursuant to an agreement between the county board and the appropriate school district shall do both of the following:

(a) Certify to the department, in the manner prescribed by 4320
the department, the enrollment in classes under section 3317.20 4321
of the Revised Code for each school district that has placed 4322
children in the classes; 4323

(b) Certify to the department, in the manner prescribed by 4324
the department, the unduplicated count of the number of all 4325
preschool children with disabilities enrolled in classes for 4326
which the board is eligible to receive funding under section 4327
3317.0213 of the Revised Code adjusted for the portion of the 4328
year each child is so enrolled, reported according to the 4329
categories prescribed in section 3317.013 of the Revised Code, 4330
and the number of those classes. 4331

(H) Except as provided in division (I) of this section, 4332
when any city, local, or exempted village school district 4333
provides instruction for a nonresident pupil whose attendance is 4334
unauthorized attendance as defined in section 3327.06 of the 4335
Revised Code, that pupil's enrollment shall not be included in 4336
that district's enrollment figure used in calculating the 4337
district's payments under this chapter. The reporting official 4338
shall report separately the enrollment of all pupils whose 4339
attendance in the district is unauthorized attendance, and the 4340
enrollment of each such pupil shall be credited to the school 4341
district in which the pupil is entitled to attend school under 4342
division (B) of section 3313.64 or section 3313.65 of the 4343
Revised Code as determined by the department. 4344

(I) This division shall not apply on or after September 4345
30, 2021. 4346

(1) A city, local, exempted village, or joint vocational 4347
school district admitting a scholarship student of a pilot 4348
project district pursuant to division (C) of section 3313.976 of 4349

the Revised Code may count such student in its enrollment. 4350

(2) In any year for which funds are appropriated for pilot 4351
project scholarship programs, a school district implementing a 4352
state-sponsored pilot project scholarship program that year 4353
pursuant to sections 3313.974 to 3313.979 of the Revised Code 4354
may count in its enrollment: 4355

(a) All children residing in the district and utilizing a 4356
scholarship to attend kindergarten in any alternative school, as 4357
defined in section 3313.974 of the Revised Code; 4358

(b) All children who were enrolled in the district in the 4359
preceding year who are utilizing a scholarship to attend an 4360
alternative school. 4361

(J) The superintendent of each cooperative education 4362
school district shall certify to the director of education and 4363
workforce, in a manner prescribed by the department, the 4364
applicable enrollments for all students in the cooperative 4365
education district, also indicating the city, local, or exempted 4366
village district where each pupil is entitled to attend school 4367
under section 3313.64 or 3313.65 of the Revised Code. 4368

(K) If the director of education and workforce determines 4369
that a component of the enrollment certified or reported by a 4370
district superintendent, or other reporting entity, is not 4371
correct, the director of education and workforce may order that 4372
the district's enrolled ADM, formula ADM, or both be adjusted in 4373
the amount of the error. 4374

(L) Notwithstanding anything to the contrary in this 4375
chapter, a student enrolled in a preschool program operated by 4376
the city, local, or exempted village school district in which 4377
the student resides is deemed to be entitled to attend school in 4378

that district under section 3313.64 of the Revised Code for the 4379
purposes of calculating the district's state core foundation 4380
funding under this chapter. 4381

Sec. 3317.083. (A) As used in this section: 4382

(1) "Family income multiple" means a multiple determined 4383
as follows: 4384

(a) For a student with a family adjusted gross income at 4385
or below 250% of the federal poverty guidelines, 0.00; 4386

(b) For a student with a family adjusted gross income 4387
above 250% of the federal poverty guidelines, but at or below 4388
270% of the federal poverty guidelines, 0.05; 4389

(c) For a student with a family adjusted gross income 4390
above 270% of the federal poverty guidelines, but at or below 4391
290% of the federal poverty guidelines, 0.10; 4392

(d) For a student with a family adjusted gross income 4393
above 290% of the federal poverty guidelines, but at or below 4394
310% of the federal poverty guidelines, 0.20; 4395

(e) For a student with a family adjusted gross income 4396
above 310% of the federal poverty guidelines, but at or below 4397
330% of the federal poverty guidelines, 0.30; 4398

(f) For a student with a family adjusted gross income 4399
above 330% of the federal poverty guidelines, but at or below 4400
350% of the federal poverty guidelines, 0.40; 4401

(g) For a student with a family adjusted gross income 4402
above 350% of the federal poverty guidelines, but at or below 4403
370% of the federal poverty guidelines, 0.50; 4404

(h) For a student with a family adjusted gross income 4405

<u>above 370% of the federal poverty guidelines, but at or below</u>	4406
<u>390% of the federal poverty guidelines, 0.60;</u>	4407
<u>(i) For a student with a family adjusted gross income</u>	4408
<u>above 390% of the federal poverty guidelines, but at or below</u>	4409
<u>410% of the federal poverty guidelines, 0.70;</u>	4410
<u>(j) For a student with a family adjusted gross income</u>	4411
<u>above 410% of the federal poverty guidelines, but at or below</u>	4412
<u>430% of the federal poverty guidelines, 0.80;</u>	4413
<u>(k) For a student with a family adjusted gross income</u>	4414
<u>above 430% of the federal poverty guidelines, but at or below</u>	4415
<u>450% of the federal poverty guidelines, 0.90;</u>	4416
<u>(l) For a student with a family adjusted gross income</u>	4417
<u>above 450% of the federal poverty guidelines, 1.00.</u>	4418
<u>(2) "Federal poverty guidelines" has the same meaning as</u>	4419
<u>in section 5101.46 of the Revised Code.</u>	4420
<u>(3) "Maximum amount" means an amount of tuition calculated</u>	4421
<u>for a student as follows:</u>	4422
<u>[The school district's base cost per pupil - (the school</u>	4423
<u>district's base cost per pupil X the school district's state</u>	4424
<u>share percentage)] X 0.40 X the student's family income multiple</u>	4425
<u>(B) Except as provided for in division (E) of this</u>	4426
<u>section, the board of education of a city, local, or exempted</u>	4427
<u>village school district operating a preschool program in</u>	4428
<u>accordance with section 3313.646 of the Revised Code may charge</u>	4429
<u>tuition for a student's participation in the program. The</u>	4430
<u>district board shall adopt a resolution establishing tuition for</u>	4431
<u>participation in that program. The district board shall hold at</u>	4432
<u>least one public hearing prior to adopting the resolution.</u>	4433

(C) The amount of tuition charged for a student under this 4434
section shall not exceed the student's maximum amount, unless 4435
the student's family has an adjusted gross income above seven 4436
hundred per cent of the federal poverty guidelines. A district 4437
may charge a student with a family income above seven hundred 4438
per cent of the federal poverty guidelines any amount it 4439
determines appropriate. 4440

A district board shall establish multiple payment plans 4441
from which a student's parent may choose to pay the required 4442
amount of tuition. A district board shall at least establish 4443
payment plans that permit a parent to pay the tuition in one 4444
lump sum payment, to pay the tuition in nine equal payments, and 4445
to pay the tuition in equal monthly payments. A district board 4446
shall not charge an additional fee or interest to a student's 4447
parent for electing to pay tuition in multiple equal payments. 4448

(D) Once the department of education and workforce 4449
determines the school financing system established in H.B. 110 4450
of the 134th general assembly has been fully implemented, the 4451
department shall notify each school district of that fact and 4452
the school year in which the system is fully implemented. 4453

No school district shall charge tuition in accordance with 4454
this section for the school year in which the school financing 4455
system is fully implemented, or in any subsequent school year, 4456
unless the district receives a two-year waiver from the 4457
department to continue charging tuition. 4458

A school district may apply to renew a waiver. A waiver or 4459
waiver renewal request shall be processed in accordance with 4460
division (E) of this section. 4461

(E) A two-year waiver or a waiver renewal request under 4462

this section shall be submitted, approved or disapproved, and, 4463
if applicable, appealed, as follows: 4464

(1) Not later than the third day of March prior to the 4465
first school year of the waiver's term, a school district shall 4466
submit the request to the department. Prior to submitting the 4467
request, the district's board of education shall hold a public 4468
hearing on the issue and adopt a resolution requesting the 4469
waiver or renewal. 4470

(2) Within thirty days after receiving a request under 4471
division (E) (1) of this section, prior to the first day of July 4472
of the first school year in the waiver's term, the department 4473
shall approve or disapprove the request and notify the district; 4474

(3) If the department disapproves a request, the district 4475
may appeal the decision within fifteen days after receiving 4476
notice of the waiver's denial to the state board of education. 4477

(4) Within fifteen days after receiving the appeal request 4478
under division (E) (3) of this section, the state board shall 4479
conduct a public hearing regarding the appeal. At that public 4480
hearing, the district superintendent and the deputy director of 4481
primary and secondary education shall each make a presentation 4482
to the state board regarding the disapproval, and the state 4483
board shall vote on whether to approve or disapprove the appeal. 4484
If a majority of the members of the state board vote in favor of 4485
the appeal, the waiver is approved. 4486

Sec. 3321.01. (A) (1) As used in this chapter, "parent," 4487
"guardian," or "other person having charge or care of a child" 4488
means either parent unless the parents are separated or divorced 4489
or their marriage has been dissolved or annulled, in which case 4490
"parent" means the parent who is the residential parent and 4491

legal custodian of the child. If the child is in the legal or 4492
permanent custody of a person or government agency, "parent" 4493
means that person or government agency. When a child is a 4494
resident of a home, as defined in section 3313.64 of the Revised 4495
Code, and the child's parent is not a resident of this state, 4496
"parent," "guardian," or "other person having charge or care of 4497
a child" means the head of the home. 4498

A child between six and eighteen years of age is "of 4499
compulsory school age" for the purpose of sections 3321.01 to 4500
3321.13 of the Revised Code. A child under six years of age who 4501
has been enrolled in kindergarten also shall be considered "of 4502
compulsory school age" for the purpose of sections 3321.01 to 4503
3321.13 of the Revised Code unless at any time the child's 4504
parent or guardian, at the parent's or guardian's discretion and 4505
in consultation with the child's teacher and principal, formally 4506
withdraws the child from kindergarten. The compulsory school age 4507
of a child shall not commence until the beginning of the term of 4508
such schools, or other time in the school year fixed by the 4509
rules of the board of the district in which the child resides. 4510

(2) Each school district board of education shall admit to 4511
kindergarten any student who is five or, for a student who has 4512
not completed first grade, six years of age by the first day of 4513
instruction of the school year of admittance. 4514

In a district in which all children are admitted to the 4515
first grade in August or September, a child shall be admitted if 4516
the child is six years of age by the thirtieth day of September 4517
of the year of admittance, or by the first day of a term or 4518
semester other than one beginning in August or September in 4519
school districts granting admittance at the beginning of such 4520
term or semester. 4521

A child who does not meet the age requirements of this 4522
section for admittance to kindergarten or first grade, but who 4523
will be five or six years old, respectively, prior to the first 4524
day of January of the school year in which admission is 4525
requested, shall be evaluated for early admittance in accordance 4526
with district policy upon referral by the child's parent or 4527
guardian, an educator employed by the district, a preschool 4528
educator who knows the child, or a pediatrician or psychologist 4529
who knows the child. Following an evaluation in accordance with 4530
a referral under this section, the district board shall decide 4531
whether to admit the child. If a child for whom admission to 4532
kindergarten or first grade is requested will not be five or six 4533
years of age, respectively, prior to the first day of January of 4534
the school year in which admission is requested, the child shall 4535
be admitted only in accordance with the district's acceleration 4536
policy adopted under section 3324.10 of the Revised Code. 4537

(3) Notwithstanding division (A)(2) of this section, 4538
beginning with the school year that starts in 2001 and 4539
continuing thereafter the board of education of any district may 4540
adopt a resolution establishing the first day of August in lieu 4541
of the thirtieth day of September as the required date by which 4542
students must have attained the age specified in that division 4543
for admittance to first grade. 4544

(4) After a student has been admitted to kindergarten in a 4545
school district or chartered nonpublic school, no board of 4546
education of a school district to which the student transfers 4547
shall deny that student admission based on the student's age. 4548

(B) As used in division (C) of this section, "successfully 4549
completed kindergarten" means that the child has completed the 4550
kindergarten requirements at one of the following: 4551

(1) A public or chartered nonpublic school;	4552
(2) A kindergarten class that is both of the following:	4553
(a) Offered by a child care provider licensed under Chapter 5104. of the Revised Code;	4554 4555
(b) If offered after July 1, 1991, is directly taught by a teacher who holds one of the following:	4556 4557
(i) A valid educator license issued under section 3319.22 of the Revised Code;	4558 4559
(ii) A Montessori preprimary credential or age-appropriate diploma granted by the American Montessori society or the association Montessori internationale;	4560 4561 4562
(iii) Certification determined under division (F) of this section to be equivalent to that described in division (B) (2) (b) (ii) of this section;	4563 4564 4565
(iv) Certification for teachers in nontax-supported schools pursuant to section 3301.071 of the Revised Code.	4566 4567
(C) (1) Except as provided in division (A) (2) of this section, no school district shall admit to the first grade any child who has not successfully completed kindergarten.	4568 4569 4570
(2) Notwithstanding division (A) (2) of this section, any student who has successfully completed kindergarten in accordance with section (B) of this section shall be admitted to first grade.	4571 4572 4573 4574
(D) The scheduling of times for kindergarten classes and length of the school day for kindergarten shall be determined by the board of education of a city, exempted village, or local school district.	4575 4576 4577 4578

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

(F) Upon written request of a child care provider described by division (B) (2) (a) of this section, the department of education and workforce shall determine whether certification held by a teacher employed by the provider meets the requirement of division (B) (2) (b) (iii) of this section and, if so, shall furnish the provider a statement to that effect.

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

~~(1) A school district that is offering all-day kindergarten for the first time or that charged fees or tuition for all-day kindergarten in the 2012-2013 school year may charge fees or tuition for a student enrolled in all-day kindergarten in any school year following the 2012-2013 school year. The department shall adjust the district's average daily membership certification under section 3317.03 of the Revised Code by one-half of the full-time equivalency for each student charged fees or tuition for all-day kindergarten under this division. If a district charges fees or tuition for all-day kindergarten under this division, the district shall develop a sliding fee scale based on family incomes.~~

~~(2) The department shall conduct an annual survey of each school district described in division (G) (1) of this section to determine the following:~~

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

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

~~(c) How many of the students for whom tuition is charged are eligible for free lunches under the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, and how many of the students for whom tuition is charged are eligible for reduced price lunches under those acts;~~ 4608
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~~(d) How many students are enrolled in traditional half-day kindergarten rather than all-day kindergarten.~~ 4614
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~~Each district shall report to the department, in the manner prescribed by the department, the information described in divisions (C)(2)(a) to (d) of this section.~~ 4616
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~~The department shall issue an annual report on the results of the survey and shall post the report on its web site. The department shall issue the first report not later than April 30, 2008, and shall issue a report not later than the thirtieth day of April each year thereafter.~~ 4619
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A district shall not charge tuition for any child enrolled in its all-day kindergarten program. 4623
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Sec. 3321.05. (A) As used in this section, "all-day kindergarten" means a kindergarten class that is in session for not less than the same number of clock hours each week as for students in grades one through six. 4625
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(B) ~~Any~~ Each city, exempted village, and local school district may, community school established under Chapter 3314. of the Revised Code, STEM school established under Chapter 3326. of the Revised Code, and chartered nonpublic school that offers a kindergarten program shall operate an all-day kindergarten or extended kindergarten, but no district shall require any student to attend kindergarten for more than the number of clock hours required each day for traditional kindergarten by the minimum- 4629
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~~standards adopted under division (D) of section 3301.07 of the~~ 4637
~~Revised Code. Each school district that operates all-day or~~ 4638
~~extended kindergarten shall accommodate kindergarten students~~ 4639
~~whose parents or guardians elect to enroll them for the minimum~~ 4640
~~number of hours~~program. 4641

(C) A school district may use space in child care centers 4642
licensed under Chapter 5104. of the Revised Code to provide all- 4643
day kindergarten under this section. 4644

Sec. 3323.02. As used in this section, "IDEIA" means the 4645
"Individuals with Disabilities Education Improvement Act of 4646
2004," Pub. L. No. 108-446. 4647

It is the purpose of this chapter to ensure that all 4648
children with disabilities residing in this state who are at 4649
least three years of age and less than twenty-two years of age, 4650
including children with disabilities who have been suspended or 4651
expelled from school, have available to them a free appropriate 4652
public education. No school district, county board of 4653
developmental disabilities, or other educational agency shall 4654
receive state or federal funds for special education and related 4655
services unless those services for children with disabilities 4656
are provided in accordance with IDEIA and related provisions of 4657
the Code of Federal Regulations, the provisions of this chapter, 4658
rules and standards adopted by the department of education and 4659
workforce, and any procedures or guidelines issued by the 4660
director of education and workforce. Any options or discretion 4661
provided to the state by IDEIA may be exercised in state law or 4662
in rules or standards adopted by the department of education and 4663
workforce. 4664

The department of education and workforce shall establish 4665
rules or standards for the provision of special education and 4666

related services for all children with disabilities who are at 4667
least three years of age and less than twenty-two years of age 4668
residing in the state, regardless of the severity of their 4669
disabilities, including children with disabilities who have been 4670
suspended or expelled from school. The department of education 4671
and workforce shall consult with the department of children and 4672
youth on rules or standards regarding the provision of special 4673
education and related services for children with disabilities 4674
from three to five years of age. The state law and the rules or 4675
standards of the department of education and workforce may 4676
impose requirements that are not required by IDEIA or related 4677
provisions of the Code of Federal Regulations. The school 4678
district of residence is responsible, in all instances, for 4679
ensuring that the requirements of Part B of IDEIA are met for 4680
every eligible child in its jurisdiction, regardless of whether 4681
services are provided by another school district, other 4682
educational agency, or other agency, department, or entity, 4683
unless IDEIA or related provisions of the Code of Federal 4684
Regulations, another section of this chapter, or a rule adopted 4685
by the department of education and workforce specifies that 4686
another school district, other educational agency, or other 4687
agency, department, or entity is responsible for ensuring 4688
compliance with Part B of IDEIA. 4689

The department of children and youth shall, as 4690
appropriate, incorporate the department of education and 4691
workforce's rules or standards for providing special education 4692
and related services for children with disabilities into the 4693
licensing requirements for preschool programs under sections 4694
3301.52 to 3301.59 of the Revised Code. 4695

~~Notwithstanding division (A) (4) of section 3301.53 of the~~ 4696
~~Revised Code and any rules adopted pursuant to that section and~~ 4697

~~division (A) of section 3313.646 of the Revised Code, a~~ A board 4698
of education of a school district may provide special education 4699
and related services for preschool children with disabilities in 4700
accordance with this chapter and section 3301.52, divisions (A) 4701
(1) to ~~(3)~~ and ~~(A) (5)~~ and ~~(6)~~ of section 3301.53, and sections 4702
3301.54 to 3301.59 of the Revised Code. 4703

The department of education and workforce may require any 4704
state or local agency to provide documentation that special 4705
education and related services for children with disabilities 4706
provided by the agency are in compliance with the requirements 4707
of this chapter. 4708

Not later than the first day of February of each year the 4709
department of education and workforce shall furnish the 4710
chairpersons of the education committees of the house of 4711
representatives and the senate with a report on the status of 4712
implementation of special education and related services for 4713
children with disabilities required by this chapter. The report 4714
shall include but shall not be limited to the following items: 4715
the most recent available figures on the number of children 4716
identified as children with disabilities and the number of 4717
identified children receiving special education and related 4718
services. The information contained in these reports shall be 4719
public information. 4720

Section 4. That existing sections 3301.50, 3301.53, 4721
3301.54, 3301.56, 3313.48, 3313.64, 3313.646, 3313.842, 3313.98, 4722
3313.981, 3314.03, 3314.08, 3317.011, 3317.0110, 3317.02, 4723
3317.0213, 3317.03, 3321.01, 3321.05, and 3323.02 of the Revised 4724
Code are hereby repealed. 4725

Section 5. Sections 3 and 4 of this act take effect July 4726
1, 2031. 4727

Section 6. This act shall be known as the Preschool for 4728
All Act. 4729

Section 7. Section 3314.03 of the Revised Code is 4730
presented in this act as a composite of the section as amended 4731
by both H.B. 10 and H.B. 96 of the 136th General Assembly. The 4732
General Assembly, applying the principle stated in division (B) 4733
of section 1.52 of the Revised Code that amendments are to be 4734
harmonized if reasonably capable of simultaneous operation, 4735
finds that the composite is the resulting version of the section 4736
in effect prior to the effective date of the section as 4737
presented in this act. 4738