

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 595

Representative Robinson

Cosponsors: Representatives Blackshear, Brent, Brewer, Brown, Piccolantonio, Dell'Aquila, Grim, Isaacsohn, Liston, McNally, Miller, A., Miller, J., Mohamed, Russo, Somani, Thomas, C., Upchurch, Weinstein

A BILL

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
3313.6414, 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 Universal 11
Preschool 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, 2029. 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, 2025. 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, 2025, 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, 2025, 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, 2029; 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, 2029. 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 2029-2030 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 2030-2031 128
school year. A district that has a waiver extended to the 2030- 129

2031 school year may request an additional extension of that 130
waiver to the 2031-2032 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, 2029. 139

(G) Beginning with the 2031-2032 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, 2026, 152
twenty per cent of sports gaming receipts; 153

(2) For tax periods beginning on or after January 1, 2026, 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, 2026, 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, 3313.6414, 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)~~(A)(3) of that section applies to 265
the 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

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	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

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 434
children per preschool staff member shall be determined by the 435
age of the youngest child in the group, except that when no more 436
than one child thirty months of age or older receives child care 437
in a group in which all the other children are in the next older 438
age group, the maximum number of children per child-care staff 439
member and maximum group size requirements of the older age 440
group established under division (B)(1) of this section shall 441
apply. 442

(3) In a room where children are napping, if all the 443
children are at least eighteen months of age, the maximum number 444
of children per preschool staff member shall, for a period not 445
to exceed one and one-half hours in any twenty-four hour day, be 446
twice the maximum number of children per preschool staff member 447
established under division (B)(1) of this section if all the 448
following criteria are met: 449

(a) At least one preschool staff member is present in the 450
room; 451

(b) Sufficient preschool staff members are present on the 452
preschool program premises to comply with division (B)(1) of 453
this section; 454

(c) Naptime preparations have been completed and the 455
children are resting or napping. 456

(4) Any accredited program that uses the Montessori method 457
endorsed by the American Montessori society or the association 458
Montessori internationale as its primary method of instruction 459

and is licensed as a preschool program under section 3301.58 of 460
the Revised Code may combine preschool children of ages three to 461
five years old with children enrolled in kindergarten. 462
Notwithstanding anything to the contrary in division (B) (2) of 463
this section, when such age groups are combined, the maximum 464
number of children per preschool staff member shall be twelve 465
and the maximum group size shall be twenty-four children. 466

(C) In each building in which a preschool program is 467
operated there shall be on the premises, and readily available 468
at all times, at least one employee who has completed a course 469
in first aid and in the prevention, recognition, and management 470
of communicable diseases which is approved by the state 471
department of health, and an employee who has completed a course 472
in child abuse recognition and prevention. 473

(D) Any parent, guardian, or custodian of a child enrolled 474
in a preschool program shall be permitted unlimited access to 475
the school during its hours of operation to contact the 476
parent's, guardian's, or custodian's child, evaluate the care 477
provided by the program, or evaluate the premises, or for other 478
purposes approved by the director. Upon entering the premises, 479
the parent, guardian, or custodian shall report to the school 480
office. 481

Sec. 3313.48. (A) The board of education of each city, 482
exempted village, local, and joint vocational school district 483
shall provide for the free education of the youth of school age 484
within the district under its jurisdiction, at such places as 485
will be most convenient for the attendance of the largest number 486
thereof. Each school so provided and each chartered nonpublic 487
school shall be open for instruction with pupils in attendance, 488
including scheduled classes, supervised activities, and approved 489

education options but excluding lunch and breakfast periods and 490
extracurricular activities, for not less than ~~four hundred~~ 491
~~fifty five hours in the case of pupils in kindergarten unless~~ 492
~~such pupils are provided all day kindergarten, as defined in~~ 493
~~section 3321.05 of the Revised Code, in which case the pupils~~ 494
~~shall be in attendance for nine hundred ten hours;~~ nine hundred 495
ten hours in the case of pupils in grades ~~one kindergarten~~ 496
through six; and one thousand one hours in the case of pupils in 497
grades seven through twelve in each school year, which may 498
include all of the following: 499

(1) Up to the equivalent of two school days per year 500
during which pupils would otherwise be in attendance but are not 501
required to attend for the purpose of individualized parent- 502
teacher conferences and reporting periods; 503

(2) Up to the equivalent of two school days per year 504
during which pupils would otherwise be in attendance but are not 505
required to attend for professional meetings of teachers; 506

(3) Morning and afternoon recess periods of not more than 507
fifteen minutes duration per period for pupils in grades 508
kindergarten through six. 509

(B) Not later than thirty days prior to adopting a school 510
calendar, the board of education of each city, exempted village, 511
and local school district shall hold a public hearing on the 512
school calendar, addressing topics that include, but are not 513
limited to, the total number of hours in a school year, length 514
of school day, and beginning and end dates of instruction. 515

(C) No school operated by a city, exempted village, local, 516
or joint vocational school district shall reduce the number of 517
hours in each school year that the school is scheduled to be 518

open for instruction from the number of hours per year the 519
school was open for instruction during the previous school year 520
unless the reduction is approved by a resolution adopted by the 521
district board of education. Any reduction so approved shall not 522
result in fewer hours of instruction per school year than the 523
applicable number of hours required under division (A) of this 524
section. 525

(D) Prior to making any change in the hours or days in 526
which a high school under its jurisdiction is open for 527
instruction, the board of education of each city, exempted 528
village, and local school district shall consider the 529
compatibility of the proposed change with the scheduling needs 530
of any joint vocational school district in which any of the high 531
school's students are also enrolled. The board shall consider 532
the impact of the proposed change on student access to the 533
instructional programs offered by the joint vocational school 534
district, incentives for students to participate in career- 535
technical education, transportation, and the timing of 536
graduation. The board shall provide the joint vocational school 537
district board with advance notice of the proposed change and 538
the two boards shall enter into a written agreement prescribing 539
reasonable accommodations to meet the scheduling needs of the 540
joint vocational school district prior to implementation of the 541
change. 542

(E) Subject to section 3327.016 of the Revised Code, prior 543
to making any change in the hours or days in which a school 544
under its jurisdiction is open for instruction, the board of 545
education of each city, exempted village, and local school 546
district shall consider the compatibility of the proposed change 547
with the scheduling needs of any community school established 548
under Chapter 3314. of the Revised Code to which the district is 549

required to transport students under sections 3314.09 and 550
3327.01 of the Revised Code. The board shall consider the impact 551
of the proposed change on student access to the instructional 552
programs offered by the community school, transportation, and 553
the timing of graduation. The board shall provide the sponsor, 554
governing authority, and operator of the community school with 555
advance notice of the proposed change, and the board and the 556
governing authority, or operator if such authority is delegated 557
to the operator, shall enter into a written agreement 558
prescribing reasonable accommodations to meet the scheduling 559
needs of the community school prior to implementation of the 560
change. 561

(F) Subject to section 3327.016 of the Revised Code, prior 562
to making any change in the hours or days in which the schools 563
under its jurisdiction are open for instruction, the board of 564
education of each city, exempted village, and local school 565
district shall consult with the chartered nonpublic schools to 566
which the district is required to transport students under 567
section 3327.01 of the Revised Code and shall consider the 568
effect of the proposed change on the schedule for transportation 569
of those students to their nonpublic schools. The governing 570
authority of a chartered nonpublic school shall consult with 571
each school district board of education that transports students 572
to the chartered nonpublic school under section 3327.01 of the 573
Revised Code prior to making any change in the hours or days in 574
which the nonpublic school is open for instruction. 575

(G) The department of education and workforce shall not 576
adopt or enforce any rule or standard that imposes on chartered 577
nonpublic schools the procedural requirements imposed on school 578
districts by divisions (B), (C), (D), and (E) of this section. 579

Sec. 3313.64. (A) As used in this section and in section 580
3313.65 of the Revised Code: 581

(1) (a) Except as provided in division (A) (1) (b) of this 582
section, "parent" means either parent, unless the parents are 583
separated or divorced or their marriage has been dissolved or 584
annulled, in which case "parent" means the parent who is the 585
residential parent and legal custodian of the child. When a 586
child is in the legal custody of a government agency or a person 587
other than the child's natural or adoptive parent, "parent" 588
means the parent with residual parental rights, privileges, and 589
responsibilities. When a child is in the permanent custody of a 590
government agency or a person other than the child's natural or 591
adoptive parent, "parent" means the parent who was divested of 592
parental rights and responsibilities for the care of the child 593
and the right to have the child live with the parent and be the 594
legal custodian of the child and all residual parental rights, 595
privileges, and responsibilities. 596

(b) When a child is the subject of a power of attorney 597
executed under sections 3109.51 to 3109.62 of the Revised Code, 598
"parent" means the grandparent designated as attorney in fact 599
under the power of attorney. When a child is the subject of a 600
caretaker authorization affidavit executed under sections 601
3109.64 to 3109.73 of the Revised Code, "parent" means the 602
grandparent that executed the affidavit. 603

(2) "Legal custody," "permanent custody," and "residual 604
parental rights, privileges, and responsibilities" have the same 605
meanings as in section 2151.011 of the Revised Code. 606

(3) "School district" or "district" means a city, local, 607
or exempted village school district and excludes any school 608
operated in an institution maintained by the department of youth 609

services. 610

(4) Except as used in division (C)(2) of this section, 611
"home" means a home, institution, foster home, group home, or 612
other residential facility in this state that receives and cares 613
for children, to which any of the following applies: 614

(a) The home is licensed, certified, or approved for such 615
purpose by the state or is maintained by the department of youth 616
services. 617

(b) The home is operated by a person who is licensed, 618
certified, or approved by the state to operate the home for such 619
purpose. 620

(c) The home accepted the child through a placement by a 621
person licensed, certified, or approved to place a child in such 622
a home by the state. 623

(d) The home is a children's home created under section 624
5153.21 or 5153.36 of the Revised Code. 625

(5) "Agency" means all of the following: 626

(a) A public children services agency; 627

(b) An organization that holds a certificate issued by the 628
department of children and youth in accordance with the 629
requirements of section 5103.03 of the Revised Code and assumes 630
temporary or permanent custody of children through commitment, 631
agreement, or surrender, and places children in family homes for 632
the purpose of adoption; 633

(c) Comparable agencies of other states or countries that 634
have complied with applicable requirements of section 2151.39 of 635
the Revised Code or as applicable, sections 5103.20 to 5103.22 636
or 5103.23 to 5103.237 of the Revised Code. 637

(6) A child is placed for adoption if either of the following occurs: 638
639

(a) An agency to which the child has been permanently committed or surrendered enters into an agreement with a person pursuant to section 5103.16 of the Revised Code for the care and adoption of the child. 640
641
642
643

(b) The child's natural parent places the child pursuant to section 5103.16 of the Revised Code with a person who will care for and adopt the child. 644
645
646

(7) "Preschool child with a disability" has the same meaning as in section 3323.01 of the Revised Code. 647
648

(8) "Child," unless otherwise indicated, includes preschool children with disabilities. 649
650

(9) "Active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code. 651
652
653
654

(B) Except as otherwise provided in section 3321.01 of the Revised Code for admittance to kindergarten and first grade, a child who is at least five but under twenty-two years of age and any preschool child with a disability shall be admitted to school as provided in this division. 655
656
657
658
659

(1) A child shall be admitted to the schools of the school district in which the child's parent resides. 660
661

(2) Except as provided in division (B) of section 2151.362 and section 3317.30 of the Revised Code, a child who does not reside in the district where the child's parent resides shall be admitted to the schools of the district in which the child 662
663
664
665

resides if any of the following applies: 666

(a) The child is in the legal or permanent custody of a 667
government agency or a person other than the child's natural or 668
adoptive parent. 669

(b) The child resides in a home. 670

(c) The child requires special education. 671

(3) A child who is not entitled under division (B) (2) of 672
this section to be admitted to the schools of the district where 673
the child resides and who is residing with a resident of this 674
state with whom the child has been placed for adoption shall be 675
admitted to the schools of the district where the child resides 676
unless either of the following applies: 677

(a) The placement for adoption has been terminated. 678

(b) Another school district is required to admit the child 679
under division (B) (1) of this section. 680

Division (B) of this section does not prohibit the board 681
of education of a school district from placing a child with a 682
disability who resides in the district in a special education 683
program outside of the district or its schools in compliance 684
with Chapter 3323. of the Revised Code. 685

(C) A district shall not charge tuition for children 686
admitted under division (B) (1) or (3) of this section. If the 687
district admits a child under division (B) (2) of this section, 688
tuition shall be paid to the district that admits the child as 689
provided in divisions (C) (1) to (3) of this section, unless 690
division (C) (4) of this section applies to the child: 691

(1) If the child receives special education in accordance 692
with Chapter 3323. of the Revised Code, the school district of 693

residence, as defined in section 3323.01 of the Revised Code, 694
shall pay tuition for the child in accordance with section 695
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 696
regardless of who has custody of the child or whether the child 697
resides in a home. 698

(2) For a child that does not receive special education in 699
accordance with Chapter 3323. of the Revised Code, except as 700
otherwise provided in division (C) (2) (d) of this section, if the 701
child is in the permanent or legal custody of a government 702
agency or person other than the child's parent, tuition shall be 703
paid by: 704

(a) The district in which the child's parent resided at 705
the time the court removed the child from home or at the time 706
the court vested legal or permanent custody of the child in the 707
person or government agency, whichever occurred first; 708

(b) If the parent's residence at the time the court 709
removed the child from home or placed the child in the legal or 710
permanent custody of the person or government agency is unknown, 711
tuition shall be paid by the district in which the child resided 712
at the time the child was removed from home or placed in legal 713
or permanent custody, whichever occurred first; 714

(c) If a school district cannot be established under 715
division (C) (2) (a) or (b) of this section, tuition shall be paid 716
by the district determined as required by section 2151.362 of 717
the Revised Code by the court at the time it vests custody of 718
the child in the person or government agency; 719

(d) If at the time the court removed the child from home 720
or vested legal or permanent custody of the child in the person 721
or government agency, whichever occurred first, one parent was 722

in a residential or correctional facility or a juvenile 723
residential placement and the other parent, if living and not in 724
such a facility or placement, was not known to reside in this 725
state, tuition shall be paid by the district determined under 726
division (D) of section 3313.65 of the Revised Code as the 727
district required to pay any tuition while the parent was in 728
such facility or placement; 729

(e) If the department of education and workforce has 730
determined, pursuant to division (A) (2) of section 2151.362 of 731
the Revised Code, that a school district other than the one 732
named in the court's initial order, or in a prior determination 733
of the department, is responsible to bear the cost of educating 734
the child, the district so determined shall be responsible for 735
that cost. 736

(3) If the child is not in the permanent or legal custody 737
of a government agency or person other than the child's parent 738
and the child resides in a home, tuition shall be paid by one of 739
the following: 740

(a) The school district in which the child's parent 741
resides; 742

(b) If the child's parent is not a resident of this state, 743
the home in which the child resides. 744

(4) Division (C) (4) of this section applies to any child 745
who is admitted to a school district under division (B) (2) of 746
this section, resides in a home that is not a foster home, a 747
home maintained by the department of youth services, a detention 748
facility established under section 2152.41 of the Revised Code, 749
or a juvenile facility established under section 2151.65 of the 750
Revised Code, and receives educational services at the home or 751

facility in which the child resides pursuant to a contract 752
between the home or facility and the school district providing 753
those services. 754

If a child to whom division (C) (4) of this section applies 755
is a special education student, a district may choose whether to 756
receive a tuition payment for that child under division (C) (4) 757
of this section or to receive a payment for that child under 758
section 3323.14 of the Revised Code. If a district chooses to 759
receive a payment for that child under section 3323.14 of the 760
Revised Code, it shall not receive a tuition payment for that 761
child under division (C) (4) of this section. 762

If a child to whom division (C) (4) of this section applies 763
is not a special education student, a district shall receive a 764
tuition payment for that child under division (C) (4) of this 765
section. 766

In the case of a child to which division (C) (4) of this 767
section applies, the total educational cost to be paid for the 768
child shall be determined by a formula approved by the 769
department of education and workforce, which formula shall be 770
designed to calculate a per diem cost for the educational 771
services provided to the child for each day the child is served 772
and shall reflect the total actual cost incurred in providing 773
those services. The department shall certify the total 774
educational cost to be paid for the child to both the school 775
district providing the educational services and, if different, 776
the school district that is responsible to pay tuition for the 777
child. The department shall deduct the certified amount from the 778
state basic aid funds payable under Chapter 3317. of the Revised 779
Code to the district responsible to pay tuition and shall pay 780
that amount to the district providing the educational services 781

to the child. 782

(D) Tuition required to be paid under divisions (C) (2) and 783
(3) (a) of this section shall be computed in accordance with 784
section 3317.08 of the Revised Code. Tuition required to be paid 785
under division (C) (3) (b) of this section shall be computed in 786
accordance with section 3317.081 of the Revised Code. If a home 787
fails to pay the tuition required by division (C) (3) (b) of this 788
section, the board of education providing the education may 789
recover in a civil action the tuition and the expenses incurred 790
in prosecuting the action, including court costs and reasonable 791
attorney's fees. If the prosecuting attorney or city director of 792
law represents the board in such action, costs and reasonable 793
attorney's fees awarded by the court, based upon the prosecuting 794
attorney's, director's, or one of their designee's time spent 795
preparing and presenting the case, shall be deposited in the 796
county or city general fund. 797

(E) A board of education may enroll a child free of any 798
tuition obligation for a period not to exceed sixty days, on the 799
sworn statement of an adult resident of the district that the 800
resident has initiated legal proceedings for custody of the 801
child. 802

(F) In the case of any individual entitled to attend 803
school under this division, no tuition shall be charged by the 804
school district of attendance and no other school district shall 805
be required to pay tuition for the individual's attendance. 806
Notwithstanding division (B), (C), or (E) of this section: 807

(1) All persons at least eighteen but under twenty-two 808
years of age who live apart from their parents, support 809
themselves by their own labor, and have not successfully 810
completed the high school curriculum or the individualized 811

education program developed for the person by the high school 812
pursuant to section 3323.08 of the Revised Code, are entitled to 813
attend school in the district in which they reside. 814

(2) Any child under eighteen years of age who is married 815
is entitled to attend school in the child's district of 816
residence. 817

(3) A child is entitled to attend school in the district 818
in which either of the child's parents is employed if the child 819
has a medical condition that may require emergency medical 820
attention. The parent of a child entitled to attend school under 821
division (F)(3) of this section shall submit to the board of 822
education of the district in which the parent is employed a 823
statement from the child's physician certifying that the child's 824
medical condition may require emergency medical attention. The 825
statement shall be supported by such other evidence as the board 826
may require. 827

(4) Any child residing with a person other than the 828
child's parent is entitled, for a period not to exceed twelve 829
months, to attend school in the district in which that person 830
resides if the child's parent files an affidavit with the 831
superintendent of the district in which the person with whom the 832
child is living resides stating all of the following: 833

(a) That the parent is serving outside of the state in the 834
armed services of the United States; 835

(b) That the parent intends to reside in the district upon 836
returning to this state; 837

(c) The name and address of the person with whom the child 838
is living while the parent is outside the state. 839

(5) Any child under the age of twenty-two years who, after 840

the death of a parent, resides in a school district other than 841
the district in which the child attended school at the time of 842
the parent's death is entitled to continue to attend school in 843
the district in which the child attended school at the time of 844
the parent's death for the remainder of the school year, subject 845
to approval of that district board. 846

(6) A child under the age of twenty-two years who resides 847
with a parent who is having a new house built in a school 848
district outside the district where the parent is residing is 849
entitled to attend school for a period of time in the district 850
where the new house is being built. In order to be entitled to 851
such attendance, the parent shall provide the district 852
superintendent with the following: 853

(a) A sworn statement explaining the situation, revealing 854
the location of the house being built, and stating the parent's 855
intention to reside there upon its completion; 856

(b) A statement from the builder confirming that a new 857
house is being built for the parent and that the house is at the 858
location indicated in the parent's statement. 859

(7) A child under the age of twenty-two years residing 860
with a parent who has a contract to purchase a house in a school 861
district outside the district where the parent is residing and 862
who is waiting upon the date of closing of the mortgage loan for 863
the purchase of such house is entitled to attend school for a 864
period of time in the district where the house is being 865
purchased. In order to be entitled to such attendance, the 866
parent shall provide the district superintendent with the 867
following: 868

(a) A sworn statement explaining the situation, revealing 869

the location of the house being purchased, and stating the 870
parent's intent to reside there; 871

(b) A statement from a real estate broker or bank officer 872
confirming that the parent has a contract to purchase the house, 873
that the parent is waiting upon the date of closing of the 874
mortgage loan, and that the house is at the location indicated 875
in the parent's statement. 876

The district superintendent shall establish a period of 877
time not to exceed ninety days during which the child entitled 878
to attend school under division (F) (6) or (7) of this section 879
may attend without tuition obligation. A student attending a 880
school under division (F) (6) or (7) of this section shall be 881
eligible to participate in interscholastic athletics under the 882
auspices of that school, provided the board of education of the 883
school district where the student's parent resides, by a formal 884
action, releases the student to participate in interscholastic 885
athletics at the school where the student is attending, and 886
provided the student receives any authorization required by a 887
public agency or private organization of which the school 888
district is a member exercising authority over interscholastic 889
sports. 890

(8) A child whose parent is a full-time employee of a 891
city, local, or exempted village school district, or of an 892
educational service center, may be admitted to the schools of 893
the district where the child's parent is employed, or in the 894
case of a child whose parent is employed by an educational 895
service center, in the district that serves the location where 896
the parent's job is primarily located, provided the district 897
board of education establishes such an admission policy by 898
resolution adopted by a majority of its members. Any such policy 899

shall take effect on the first day of the school year and the 900
effective date of any amendment or repeal may not be prior to 901
the first day of the subsequent school year. The policy shall be 902
uniformly applied to all such children and shall provide for the 903
admission of any such child upon request of the parent. No child 904
may be admitted under this policy after the first day of classes 905
of any school year. 906

(9) A child who is with the child's parent under the care 907
of a shelter for victims of domestic violence, as defined in 908
section 3113.33 of the Revised Code, is entitled to attend 909
school free in the district in which the child is with the 910
child's parent, and no other school district shall be required 911
to pay tuition for the child's attendance in that school 912
district. 913

The enrollment of a child in a school district under this 914
division shall not be denied due to a delay in the school 915
district's receipt of any records required under section 916
3313.672 of the Revised Code or any other records required for 917
enrollment. Any days of attendance and any credits earned by a 918
child while enrolled in a school district under this division 919
shall be transferred to and accepted by any school district in 920
which the child subsequently enrolls. The department of 921
education and workforce shall adopt rules to ensure compliance 922
with this division. 923

(10) Any child under the age of twenty-two years whose 924
parent has moved out of the school district after the 925
commencement of classes in the child's senior year of high 926
school is entitled, subject to the approval of that district 927
board, to attend school in the district in which the child 928
attended school at the time of the parental move for the 929

remainder of the school year and for one additional semester or 930
equivalent term. A district board may also adopt a policy 931
specifying extenuating circumstances under which a student may 932
continue to attend school under division (F)(10) of this section 933
for an additional period of time in order to successfully 934
complete the high school curriculum for the individualized 935
education program developed for the student by the high school 936
pursuant to section 3323.08 of the Revised Code. 937

(11) As used in this division, "grandparent" means a 938
parent of a parent of a child. A child under the age of twenty- 939
two years who is in the custody of the child's parent, resides 940
with a grandparent, and does not require special education is 941
entitled to attend the schools of the district in which the 942
child's grandparent resides, provided that, prior to such 943
attendance in any school year, the board of education of the 944
school district in which the child's grandparent resides and the 945
board of education of the school district in which the child's 946
parent resides enter into a written agreement specifying that 947
good cause exists for such attendance, describing the nature of 948
this good cause, and consenting to such attendance. 949

In lieu of a consent form signed by a parent, a board of 950
education may request the grandparent of a child attending 951
school in the district in which the grandparent resides pursuant 952
to division (F)(11) of this section to complete any consent form 953
required by the district, including any authorization required 954
by sections 3313.712, 3313.713, 3313.716, and 3313.718 of the 955
Revised Code. Upon request, the grandparent shall complete any 956
consent form required by the district. A school district shall 957
not incur any liability solely because of its receipt of a 958
consent form from a grandparent in lieu of a parent. 959

Division (F) (11) of this section does not create, and 960
shall not be construed as creating, a new cause of action or 961
substantive legal right against a school district, a member of a 962
board of education, or an employee of a school district. This 963
section does not affect, and shall not be construed as 964
affecting, any immunities from defenses to tort liability 965
created or recognized by Chapter 2744. of the Revised Code for a 966
school district, member, or employee. 967

(12) A child under the age of twenty-two years is entitled 968
to attend school in a school district other than the district in 969
which the child is entitled to attend school under division (B), 970
(C), or (E) of this section provided that, prior to such 971
attendance in any school year, both of the following occur: 972

(a) The superintendent of the district in which the child 973
is entitled to attend school under division (B), (C), or (E) of 974
this section contacts the superintendent of another district for 975
purposes of this division; 976

(b) The superintendents of both districts enter into a 977
written agreement that consents to the attendance and specifies 978
that the purpose of such attendance is to protect the student's 979
physical or mental well-being or to deal with other extenuating 980
circumstances deemed appropriate by the superintendents. 981

While an agreement is in effect under this division for a 982
student who is not receiving special education under Chapter 983
3323. of the Revised Code and notwithstanding Chapter 3327. of 984
the Revised Code, the board of education of neither school 985
district involved in the agreement is required to provide 986
transportation for the student to and from the school where the 987
student attends. 988

A student attending a school of a district pursuant to 989
this division shall be allowed to participate in all student 990
activities, including interscholastic athletics, at the school 991
where the student is attending on the same basis as any student 992
who has always attended the schools of that district while of 993
compulsory school age. 994

(13) All school districts shall comply with the "McKinney- 995
Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et seq., for 996
the education of homeless children. Each city, local, and 997
exempted village school district shall comply with the 998
requirements of that act governing the provision of a free, 999
appropriate public education, including public preschool, to 1000
each homeless child. 1001

When a child loses permanent housing and becomes a 1002
homeless person, as defined in 42 U.S.C.A. 11481(5), or when a 1003
child who is such a homeless person changes temporary living 1004
arrangements, the child's parent or guardian shall have the 1005
option of enrolling the child in either of the following: 1006

(a) The child's school of origin, as defined in 42 1007
U.S.C.A. 11432(g) (3) (C); 1008

(b) The school that is operated by the school district in 1009
which the shelter where the child currently resides is located 1010
and that serves the geographic area in which the shelter is 1011
located. 1012

(14) A child under the age of twenty-two years who resides 1013
with a person other than the child's parent is entitled to 1014
attend school in the school district in which that person 1015
resides if both of the following apply: 1016

(a) That person has been appointed, through a military 1017

power of attorney executed under section 574(a) of the "National 1018
Defense Authorization Act for Fiscal Year 1994," 107 Stat. 1674 1019
(1993), 10 U.S.C. 1044b, or through a comparable document 1020
necessary to complete a family care plan, as the parent's agent 1021
for the care, custody, and control of the child while the parent 1022
is on active duty as a member of the national guard or a reserve 1023
unit of the armed forces of the United States or because the 1024
parent is a member of the armed forces of the United States and 1025
is on a duty assignment away from the parent's residence. 1026

(b) The military power of attorney or comparable document 1027
includes at least the authority to enroll the child in school. 1028

The entitlement to attend school in the district in which 1029
the parent's agent under the military power of attorney or 1030
comparable document resides applies until the end of the school 1031
year in which the military power of attorney or comparable 1032
document expires. 1033

(G) A board of education, after approving admission, may 1034
waive tuition for students who will temporarily reside in the 1035
district and who are either of the following: 1036

(1) Residents or domiciliaries of a foreign nation who 1037
request admission as foreign exchange students; 1038

(2) Residents or domiciliaries of the United States but 1039
not of Ohio who request admission as participants in an exchange 1040
program operated by a student exchange organization. 1041

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 1042
3323.04, 3327.04, and 3327.06 of the Revised Code, a child may 1043
attend school or participate in a special education program in a 1044
school district other than in the district where the child is 1045
entitled to attend school under division (B) of this section. 1046

(I) (1) Notwithstanding anything to the contrary in this 1047
section or section 3313.65 of the Revised Code, a child under 1048
twenty-two years of age may attend school in the school district 1049
in which the child, at the end of the first full week of October 1050
of the school year, was entitled to attend school as otherwise 1051
provided under this section or section 3313.65 of the Revised 1052
Code, if at that time the child was enrolled in the schools of 1053
the district but since that time the child or the child's parent 1054
has relocated to a new address located outside of that school 1055
district and within the same county as the child's or parent's 1056
address immediately prior to the relocation. The child may 1057
continue to attend school in the district, and at the school to 1058
which the child was assigned at the end of the first full week 1059
of October of the current school year, for the balance of the 1060
school year. Division (I) (1) of this section applies only if 1061
both of the following conditions are satisfied: 1062

(a) The board of education of the school district in which 1063
the child was entitled to attend school at the end of the first 1064
full week in October and of the district to which the child or 1065
child's parent has relocated each has adopted a policy to enroll 1066
children described in division (I) (1) of this section. 1067

(b) The child's parent provides written notification of 1068
the relocation outside of the school district to the 1069
superintendent of each of the two school districts. 1070

(2) At the beginning of the school year following the 1071
school year in which the child or the child's parent relocated 1072
outside of the school district as described in division (I) (1) 1073
of this section, the child is not entitled to attend school in 1074
the school district under that division. 1075

(3) Any person or entity owing tuition to the school 1076

district on behalf of the child at the end of the first full 1077
week in October, as provided in division (C) of this section, 1078
shall continue to owe such tuition to the district for the 1079
child's attendance under division (I) (1) of this section for the 1080
lesser of the balance of the school year or the balance of the 1081
time that the child attends school in the district under 1082
division (I) (1) of this section. 1083

(4) A pupil who may attend school in the district under 1084
division (I) (1) of this section shall be entitled to 1085
transportation services pursuant to an agreement between the 1086
district and the district in which the child or child's parent 1087
has relocated unless the districts have not entered into such 1088
agreement, in which case the child shall be entitled to 1089
transportation services in the same manner as a pupil attending 1090
school in the district under interdistrict open enrollment as 1091
described in division ~~(E)~~ (B) of section 3313.981 of the Revised 1092
Code, regardless of whether the district has adopted an open 1093
enrollment policy as described in division (B) (1) (b) or (c) of 1094
section 3313.98 of the Revised Code. 1095

(J) This division does not apply to a child receiving 1096
special education. 1097

A school district required to pay tuition pursuant to 1098
division (C) (2) or (3) of this section or section 3313.65 of the 1099
Revised Code shall have an amount deducted under division (C) of 1100
section 3317.023 of the Revised Code equal to its own tuition 1101
rate for the same period of attendance. A school district 1102
entitled to receive tuition pursuant to division (C) (2) or (3) 1103
of this section or section 3313.65 of the Revised Code shall 1104
have an amount credited under division (C) of section 3317.023 1105
of the Revised Code equal to its own tuition rate for the same 1106

period of attendance. If the tuition rate credited to the 1107
district of attendance exceeds the rate deducted from the 1108
district required to pay tuition, the department of education 1109
and workforce shall pay the district of attendance the 1110
difference from amounts deducted from all districts' payments 1111
under division (C) of section 3317.023 of the Revised Code but 1112
not credited to other school districts under such division and 1113
from appropriations made for such purpose. The treasurer of each 1114
school district shall, by the fifteenth day of January and July, 1115
furnish the director of education and workforce a report of the 1116
names of each child who attended the district's schools under 1117
divisions (C) (2) and (3) of this section or section 3313.65 of 1118
the Revised Code during the preceding six calendar months, the 1119
duration of the attendance of those children, the school 1120
district responsible for tuition on behalf of the child, and any 1121
other information that the director requires. 1122

Upon receipt of the report the director, pursuant to 1123
division (C) of section 3317.023 of the Revised Code, shall 1124
deduct each district's tuition obligations under divisions (C) 1125
(2) and (3) of this section or section 3313.65 of the Revised 1126
Code and pay to the district of attendance that amount plus any 1127
amount required to be paid by the state. 1128

(K) In the event of a disagreement, the director of 1129
education and workforce shall determine the school district in 1130
which the parent resides. 1131

(L) Nothing in this section requires or authorizes, or 1132
shall be construed to require or authorize, the admission to a 1133
public school in this state of a pupil who has been permanently 1134
excluded from public school attendance by the director pursuant 1135
to sections 3301.121 and 3313.662 of the Revised Code. 1136

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

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

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

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

(B)(1) The board of education of a ~~each city, exempted village, or local~~ school district, except a cooperative education district established pursuant to section 3311.521 of the Revised Code, ~~may establish and shall~~ operate a half-day preschool program to provide services to preschool-age for children, ~~provided the board has demonstrated a need for the program~~ four and five years of age and who are not enrolled in

kindergarten. Each board shall determine the number of days a 1167
preschool program will meet each week to meet the minimum number 1168
of clock hours required for the program. A board may use school 1169
funds in support of preschool programs. A board may charge 1170
tuition for its preschool program in accordance with section 1171
3317.083 of the Revised Code. The board shall maintain, operate, 1172
and admit children to any such program pursuant to rules adopted 1173
by such board and the rules adopted under sections 3301.52 to 1174
3301.57-3301.59 of the Revised Code. 1175

~~A board of education may establish fees or tuition, which~~ 1176
~~may be graduated in proportion to family income, for~~ 1177
~~participation in a preschool program. In cases where payment of~~ 1178
~~fees or tuition would create a hardship for the child's parent~~ 1179
~~or guardian, the board may waive any such fees or tuition. (2)~~ 1180
Each school district shall designate either the first day of 1181
August or the thirtieth day of September of each year as the 1182
date by which a child must be four years of age to enroll in the 1183
district's preschool program. Each school district shall display 1184
the designated date on the district's web site or otherwise 1185
provide the designated date to parents or guardians seeking to 1186
enroll a child in the district's preschool program. A child is 1187
eligible to enroll in a school district's preschool program if, 1188
on the date designated by the school district in the year of 1189
enrollment, the child either: 1190

(a) Is four years of age and the child's parent or 1191
guardian intends to enroll the child in kindergarten at five 1192
years of age; 1193

(b) Is five years of age and the child's parent or 1194
guardian intends to enroll the child in kindergarten at six 1195
years of age. 1196

If a child enrolls in a preschool program at four years of 1197
age with the intention to enroll in kindergarten at five years 1198
of age, but the child's parent or guardian and the school 1199
district in which the child attended preschool determine that 1200
the child is not ready to enter kindergarten at five years of 1201
age, then the school district shall permit the child to enroll 1202
in a second year of preschool. 1203

(3) School districts may offer any of the following: 1204

(a) Preschool enrollment for children three years of age; 1205

(b) Multiple years of preschool enrollment to children 1206
three or four years of age; 1207

(c) An all-day preschool program. 1208

~~(B)~~ (C) No board of education that is not receiving funds 1209
under the "Head Start Act," 95 Stat. 489 (1981), 42 U.S.C.A. 1210
9831, on March 17, 1989, shall compete for funds under the "Head 1211
Start Act" with any grantee receiving funds under that act. 1212

~~(C)~~ (D) A board of education may contract with any of the 1213
following preschool providers to provide services to preschool- 1214
age children, other than those services for which the district 1215
is eligible to receive funding under section 3317.0213 of the 1216
Revised Code: 1217

(1) Any organization receiving funds under the "Head Start 1218
Act"; 1219

(2) Any nonsectarian eligible nonpublic school as defined 1220
in division (H) of section 3301.52 of the Revised Code; 1221

(3) Any child care provider licensed under Chapter 5104. 1222
of the Revised Code. 1223

Boards may contract to provide services to preschool-age 1224
children only with such organizations whose staff meet the 1225
requirements of rules adopted under section 3301.53 of the 1226
Revised Code or those of the child development associate 1227
credential established by the national association for the 1228
education of young children. 1229

~~(D)~~ (E) A contract entered into under division (C) of this 1230
section may provide for the board of education to lease school 1231
facilities to the preschool provider or to furnish 1232
transportation, utilities, or staff for the preschool program. 1233

~~(E)~~ (F) The treasurer of any board of education operating 1234
a preschool program pursuant to this section shall keep an 1235
account of all funds used to operate the program in the same 1236
manner as the treasurer would any other funds of the district 1237
pursuant to this chapter. 1238

Sec. 3313.6414. (A) As used in this section: 1239

(1) "Eligible operator" means any of the following: 1240

(a) The board of education of a city, exempted village, or 1241
local school district that is adjacent to a school district 1242
seeking to outsource its preschool program; 1243

(b) A community school established under Chapter 3314. of 1244
the Revised Code that meets all of the following: 1245

(i) The community school's operator as defined in section 1246
3314.02 of the Revised Code is a nonprofit organization; 1247

(ii) The community school is not under an exemption or 1248
waiver from any department of education and workforce oversight, 1249
ratings, or regulations; 1250

(iii) The community school is not under an exemption or 1251

<u>waiver from the permanent closure criteria under section 3314.35</u>	1252
<u>of the Revised Code.</u>	1253
<u>(c) A STEM school established under Chapter 3326. of the</u>	1254
<u>Revised Code;</u>	1255
<u>(d) An eligible nonpublic school, as defined in section</u>	1256
<u>3301.52 of the Revised Code, that does not have a religious</u>	1257
<u>affiliation;</u>	1258
<u>(e) An organization operated by a county, municipal</u>	1259
<u>corporation, or subdivision of a municipal corporation;</u>	1260
<u>(f) A child care center, as defined in section 5104.01 of</u>	1261
<u>the Revised Code, that is either of the following:</u>	1262
<u>(i) Operated by a secular nonprofit organization;</u>	1263
<u>(ii) Operated by a secular for-profit organization and the</u>	1264
<u>child care center's preschool program has received a step up to</u>	1265
<u>quality rating of four stars or higher under section 5104.29 of</u>	1266
<u>the Revised Code.</u>	1267
<u>(2) "Qualifying preschool program" means an existing</u>	1268
<u>preschool program licensed under sections 3301.52 to 3301.59 of</u>	1269
<u>the Revised Code or an existing child care center licensed under</u>	1270
<u>section 5104.02 of the Revised Code that offers preschool</u>	1271
<u>programming that meets both of the following:</u>	1272
<u>(a) The preschool program or child care center is operated</u>	1273
<u>by an eligible operator;</u>	1274
<u>(b) The preschool program or child care center meets</u>	1275
<u>either of the following:</u>	1276
<u>(i) The preschool program or child care center is located</u>	1277
<u>within the school district and has received a step up to quality</u>	1278

rating of three stars or higher under section 5104.29 of the 1279
Revised Code or an equivalent rating under division (D) of this 1280
section; 1281

(ii) The preschool program or child care center is located 1282
within an adjacent school district and has received a step up to 1283
quality rating of four stars or higher under section 5104.29 of 1284
the Revised Code or an equivalent rating under division (D) of 1285
this section. 1286

(B) In lieu of operating a preschool program under section 1287
3313.646 of the Revised Code, the board of education of a city, 1288
exempted village, or local school district may contract with one 1289
or more qualifying preschool programs to offer a preschool 1290
program on behalf of the school district or to offer a joint 1291
preschool program. A preschool program operated under this 1292
section shall comply with the requirements in sections 3301.52 1293
to 3301.59 of the Revised Code and the rules adopted under those 1294
sections. A board shall administer the enrollment process for a 1295
preschool program operated under this section. A board may 1296
charge tuition for a preschool program operated under this 1297
section. If a board charges tuition, it shall do so under 1298
section 3317.083 of the Revised Code. 1299

(C) (1) Prior to entering into a contract under this 1300
section, the district board shall do the following: 1301

(a) Hold a public hearing and adopt a resolution outlining 1302
the district's rules for outsourcing a preschool program or 1303
forming a joint preschool program; 1304

(b) After adopting such a resolution, hold a public 1305
hearing during which the prospective eligible operator shall 1306
give a presentation on the eligible operator's preschool program 1307

and answer questions from attendees. 1308

(2) A district board that has outsourced its preschool 1309
program shall hold a public hearing and adopt a resolution to 1310
renew or update its preschool outsourcing rules at least every 1311
two years. 1312

(D) The department of children and youth shall develop a 1313
rating system using identical components and rating standards to 1314
the step up to quality program created under section 5104.29 of 1315
the Revised Code. The department shall develop and administer a 1316
process under which preschool programs and child care centers 1317
may request a rating for the purpose of becoming a qualifying 1318
preschool program under this section. 1319

Sec. 3313.842. (A) The boards of education or governing 1320
authorities of any two or more school districts or community 1321
schools may enter into an agreement for joint or cooperative 1322
establishment and operation of any educational program including 1323
any class, course, or program that may be included in a school 1324
district's or community school's graded course of study and 1325
staff development programs for teaching and nonteaching school 1326
employees. Each school district or community school that is 1327
party to such an agreement may contribute funds of the district 1328
or school in support of the agreement and for the establishment 1329
and operation of any educational program established under the 1330
agreement. The agreement shall designate one of the districts or 1331
community schools as responsible for receiving and disbursing 1332
the funds contributed by the parties to the agreement. 1333

(B) Notwithstanding sections 3313.48 and 3313.64 of the 1334
Revised Code, any school district that is party to an agreement 1335
for joint or cooperative establishment and operation of an 1336
educational program may charge fees or tuition for students who 1337

participate in the program and are entitled to attend school in 1338
the district under section 3313.64 or 3313.65 of the Revised 1339
Code. ~~Except as otherwise provided in division (G) of section~~ 1340
~~3321.01 of the Revised Code, no community school that is party~~ 1341
~~to the agreement shall charge fees or tuition for students who~~ 1342
~~participate in the program and are reported by the school under~~ 1343
~~division (B) of section 3314.08 of the Revised Code.~~ 1344

Sec. 3313.98. Notwithstanding division (D) of section 1345
3311.19 and division (D) of section 3311.52 of the Revised Code, 1346
the provisions of this section and sections 3313.981 to 3313.983 1347
of the Revised Code that apply to a city school district do not 1348
apply to a joint vocational or cooperative education school 1349
district unless expressly specified. 1350

(A) As used in this section and sections 3313.981 to 1351
3313.983 of the Revised Code: 1352

(1) "Parent" means either of the natural or adoptive 1353
parents of a student, except under the following conditions: 1354

(a) When the marriage of the natural or adoptive parents 1355
of the student has been terminated by a divorce, dissolution of 1356
marriage, or annulment or the natural or adoptive parents of the 1357
student are living separate and apart under a legal separation 1358
decree and the court has issued an order allocating the parental 1359
rights and responsibilities with respect to the student, 1360
"parent" means the residential parent as designated by the court 1361
except that "parent" means either parent when the court issues a 1362
shared parenting decree. 1363

(b) When a court has granted temporary or permanent 1364
custody of the student to an individual or agency other than 1365
either of the natural or adoptive parents of the student, 1366

"parent" means the legal custodian of the child. 1367

(c) When a court has appointed a guardian for the student, 1368
"parent" means the guardian of the student. 1369

(2) "Native student" means a student entitled under 1370
section 3313.64 or 3313.65 of the Revised Code to attend school 1371
in a district adopting a resolution under this section. 1372

(3) "Adjacent district" means a city, exempted village, or 1373
local school district having territory that abuts the territory 1374
of a district adopting a resolution under this section. 1375

(4) "Adjacent district student" means a student entitled 1376
under section 3313.64 or 3313.65 of the Revised Code to attend 1377
school in an adjacent district. 1378

(5) "Adjacent district joint vocational student" means an 1379
adjacent district student who enrolls in a city, exempted 1380
village, or local school district pursuant to this section and 1381
who also enrolls in a joint vocational school district that does 1382
not contain the territory of the district for which that student 1383
is a native student and does contain the territory of the city, 1384
exempted village, or local district in which the student 1385
enrolls. 1386

(6) "Poverty line" means the poverty line established by 1387
the director of the United States office of management and 1388
budget as revised by the secretary of health and human services 1389
in accordance with section 673(2) of the "Community Services 1390
Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902, as amended. 1391

(7) "IEP" has the same meaning as in section 3323.01 of 1392
the Revised Code. 1393

(8) "Other district" means a city, exempted village, or 1394

local school district having territory outside of the territory 1395
of a district adopting a resolution under this section. 1396

(9) "Other district student" means a student entitled 1397
under section 3313.64 or 3313.65 of the Revised Code to attend 1398
school in an other district. 1399

(10) "Other district joint vocational student" means a 1400
student who is enrolled in any city, exempted village, or local 1401
school district and who also enrolls in a joint vocational 1402
school district that does not contain the territory of the 1403
district for which that student is a native student in 1404
accordance with a policy adopted under section 3313.983 of the 1405
Revised Code. 1406

(11) "Preschool program" has the same meaning as in 1407
section 3317.02 of the Revised Code. 1408

(B) (1) The board of education of each city, local, and 1409
exempted village school district shall adopt a resolution 1410
establishing for the school district one of the following 1411
policies: 1412

(a) A policy that entirely prohibits the enrollment of 1413
students from adjacent districts or other districts, other than 1414
students for whom tuition is paid in accordance with section 1415
3317.08 of the Revised Code; 1416

(b) A policy that permits enrollment of students from all 1417
adjacent districts in accordance with policy statements 1418
contained in the resolution; 1419

(c) A policy that permits enrollment of students from all 1420
other districts in accordance with policy statements contained 1421
in the resolution. 1422

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) A district may object to the enrollment of a native

student in an adjacent or other district in order to maintain an 1480
appropriate racial balance. 1481

(b) The board of education of a district receiving funds 1482
under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, 1483
may adopt a resolution objecting to the enrollment of its native 1484
students in adjacent or other districts if at least ten per cent 1485
of its students are included in the determination of the United 1486
States secretary of education made under section 20 U.S.C.A. 1487
238(a). 1488

(2) If a board objects to enrollment of native students 1489
under this division, any adjacent or other district shall refuse 1490
to enroll such native students unless tuition is paid for the 1491
students in accordance with section 3317.08 of the Revised Code. 1492
An adjacent or other district enrolling such students may not 1493
receive funding for those students in accordance with section 1494
3313.981 of the Revised Code. 1495

(G) The department of education and workforce shall 1496
monitor school districts to ensure compliance with this section 1497
and the districts' policies. The department may adopt rules 1498
requiring uniform application procedures, deadlines for 1499
application, notification procedures, and record-keeping 1500
requirements for all school boards that adopt policies 1501
permitting the enrollment of adjacent or other district 1502
students, as applicable. If the department adopts such rules, no 1503
school board shall adopt a policy that conflicts with those 1504
rules. 1505

(H) A resolution adopted by a board of education under 1506
this section that entirely prohibits the enrollment of students 1507
from adjacent and from other school districts does not abrogate 1508
any agreement entered into under section 3313.841 or 3313.92 of 1509

the Revised Code or any contract entered into under section 1510
3313.90 of the Revised Code between the board of education 1511
adopting the resolution and the board of education of any 1512
adjacent or other district or prohibit these boards of education 1513
from entering into any such agreement or contract. 1514

(I) Nothing in this section shall be construed to permit 1515
or require the board of education of a city, exempted village, 1516
or local school district to exclude any native student of the 1517
district from enrolling in the district. 1518

Sec. 3313.981. (A) The department of education and 1519
workforce shall adopt rules requiring all of the following: 1520

(1) The board of education of each city, exempted village, 1521
and local school district to annually report to the department 1522
all of the following: 1523

(a) The number of adjacent district or other district 1524
students in grades kindergarten through twelve, as applicable, 1525
the number of adjacent district or other district students who 1526
are enrolled in a preschool-children with disabilities program 1527
operated by the district, as applicable, and the number of 1528
adjacent district or other district joint vocational students, 1529
as applicable, enrolled in the district, in accordance with a 1530
policy adopted under division (B) of section 3313.98 of the 1531
Revised Code; 1532

(b) The number of native students in grades kindergarten 1533
through twelve enrolled in adjacent or other districts and the 1534
number of native students who are enrolled in a preschool 1535
children with disabilities enrolled in program operated by the 1536
adjacent or other districts, in accordance with a policy adopted 1537
under division (B) of section 3313.98 of the Revised Code; 1538

(c) Each adjacent district or other district student's or adjacent district or other district joint vocational student's date of enrollment in the district; 1539
1540
1541

(d) The full-time equivalent number of adjacent district or other district students enrolled in each of the categories of career-technical education programs or classes described in section 3317.014 of the Revised Code; 1542
1543
1544
1545

(e) Each native student's date of enrollment in an adjacent or other district. 1546
1547

(2) The board of education of each joint vocational school district to annually report to the department all of the following: 1548
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1550

(a) The number of adjacent district or other district joint vocational students, as applicable, enrolled in the district; 1551
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1553

(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; 1554
1555
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(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. 1558
1559
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(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 1561
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district or other district joint vocational students in 1568
accordance with a policy adopted under division (B) of section 1569
3313.98 of the Revised Code to report to the department each 1570
adjacent or other district's students and where those students 1571
who are enrolled in the superintendent's district under the 1572
policy are entitled to attend school under section 3313.64 or 1573
3313.65 of the Revised Code. 1574

The rules shall provide for the method of counting 1575
students who are enrolled for part of a school year in an 1576
adjacent or other district or as an adjacent district or other 1577
district joint vocational student. 1578

~~(B) From the payments made to a city, exempted village, or 1579
local school district under Chapter 3317. of the Revised Code 1580
and, if necessary, from the payments made to the district under 1581
sections 321.24 and 323.156 of the Revised Code, the department 1582
shall annually subtract, for each native student who is a 1583
preschool child with a disability reported under division (A)(1) 1584
of this section who is enrolled in an adjacent or other district 1585
pursuant to policies adopted by such a district under division 1586
(B) of section 3313.98 of the Revised Code, \$4,000. 1587~~

~~(C) To the payments made to a city, exempted village, or 1588
local school district under Chapter 3317. of the Revised Code, 1589
the department shall annually add, for each adjacent district or 1590
other district student who is a preschool child with a 1591
disability reported under division (A)(1) of this section who is 1592
enrolled in the district, \$4,000. 1593~~

~~(D) No city, exempted village, or local school district 1594
shall receive a payment under division (C) of this section for a 1595
student if for the same school year that student is counted in 1596
the district's enrollment certified under section 3317.03 of the 1597~~

~~Revised Code.~~ 1598

~~(E)~~ Upon request of a parent, and provided the board 1599
offers transportation to native students of the same grade level 1600
and distance from school under section 3327.01 of the Revised 1601
Code, a city, exempted village, or local school board enrolling 1602
an adjacent or other district student shall provide 1603
transportation for the student within the boundaries of the 1604
board's district, except that the board shall be required to 1605
pick up and drop off a nonhandicapped student only at a regular 1606
school bus stop designated in accordance with the board's 1607
transportation policy. Pursuant to rules of the department, such 1608
board may reimburse the parent from funds received for pupil 1609
transportation under section 3317.0212 of the Revised Code, or 1610
other provisions of law, for the reasonable cost of 1611
transportation from the student's home to the designated school 1612
bus stop if the student's family has an income below the federal 1613
poverty line. 1614

Sec. 3314.03. A copy of every contract entered into under 1615
this section shall be filed with the director of education and 1616
workforce. The department of education and workforce shall make 1617
available on its web site a copy of every approved, executed 1618
contract filed with the director under this section. 1619

(A) Each contract entered into between a sponsor and the 1620
governing authority of a community school shall specify the 1621
following: 1622

(1) That the school shall be established as either of the 1623
following: 1624

(a) A nonprofit corporation established under Chapter 1625
1702. of the Revised Code, if established prior to April 8, 1626

2003;	1627
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	1628 1629
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	1630 1631 1632 1633
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	1634 1635 1636 1637
(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;	1638 1639 1640 1641
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	1642 1643 1644
(6) (a) Dismissal procedures;	1645
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student.	1646 1647 1648 1649 1650 1651
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	1652 1653
(8) Requirements for financial audits by the auditor of	1654

state. The contract shall require financial records of the 1655
school to be maintained in the same manner as are financial 1656
records of school districts, pursuant to rules of the auditor of 1657
state. Audits shall be conducted in accordance with section 1658
117.10 of the Revised Code. 1659

(9) An addendum to the contract outlining the facilities 1660
to be used that contains at least the following information: 1661

(a) A detailed description of each facility used for 1662
instructional purposes; 1663

(b) The annual costs associated with leasing each facility 1664
that are paid by or on behalf of the school; 1665

(c) The annual mortgage principal and interest payments 1666
that are paid by the school; 1667

(d) The name of the lender or landlord, identified as 1668
such, and the lender's or landlord's relationship to the 1669
operator, if any. 1670

(10) Qualifications of employees, including both of the 1671
following: 1672

(a) A requirement that the school's classroom teachers be 1673
licensed in accordance with sections 3319.22 to 3319.31 of the 1674
Revised Code, except that a community school may engage 1675
noncertificated persons to teach up to twelve hours or forty 1676
hours per week pursuant to section 3319.301 of the Revised Code; 1677

(b) A prohibition against the school employing an 1678
individual described in section 3314.104 of the Revised Code in 1679
any position. 1680

(11) That the school will comply with the following 1681
requirements: 1682

(a) The school will provide learning opportunities to a 1683
minimum of twenty-five students for a minimum of nine hundred 1684
twenty hours per school year. 1685

(b) The governing authority will purchase liability 1686
insurance, or otherwise provide for the potential liability of 1687
the school. 1688

(c) The school will be nonsectarian in its programs, 1689
admission policies, employment practices, and all other 1690
operations, and will not be operated by a sectarian school or 1691
religious institution. 1692

(d) The school will comply with sections 9.90, 9.91, 1693
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 1694
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 1695
3313.472, 3313.50, 3313.539, 3313.5310, 3313.5318, 3313.5319, 1696
3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 1697
3313.6020, 3313.6024, 3313.6025, 3313.6026, 3313.6028, 1698
3313.6029, 3313.643, 3313.648, 3313.6411, 3313.6413, 3313.66, 1699
3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 1700
3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 1701
3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.7117, 1702
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 1703
3313.819, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 1704
3319.078, 3319.0812, 3319.238, 3319.318, 3319.321, 3319.324, 1705
3319.39, 3319.391, 3319.393, 3319.41, 3319.46, 3320.01, 3320.02, 1706
3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 1707
3321.17, 3321.18, 3321.19, 3322.20, 3322.24, 3323.251, 3327.10, 1708
4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and Chapters 1709
117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. 1710
of the Revised Code as if it were a school district and will 1711
comply with section 3301.0714 of the Revised Code in the manner 1712

specified in section 3314.17 of the Revised Code. 1713

(e) The school shall comply with Chapter 102. and section 1714
2921.42 of the Revised Code. 1715

(f) The school will comply with sections 3313.61, 1716
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 1717
Revised Code, except that for students who enter ninth grade for 1718
the first time before July 1, 2010, the requirement in sections 1719
3313.61 and 3313.611 of the Revised Code that a person must 1720
successfully complete the curriculum in any high school prior to 1721
receiving a high school diploma may be met by completing the 1722
curriculum adopted by the governing authority of the community 1723
school rather than the curriculum specified in Title XXXVIII of 1724
the Revised Code or any rules of the department. Beginning with 1725
students who enter ninth grade for the first time on or after 1726
July 1, 2010, the requirement in sections 3313.61 and 3313.611 1727
of the Revised Code that a person must successfully complete the 1728
curriculum of a high school prior to receiving a high school 1729
diploma shall be met by completing the requirements prescribed 1730
in section 3313.6027 and division (C) of section 3313.603 of the 1731
Revised Code, unless the person qualifies under division (D) or 1732
(F) of that section. Each school shall comply with the plan for 1733
awarding high school credit based on demonstration of subject 1734
area competency, and beginning with the 2017-2018 school year, 1735
with the updated plan that permits students enrolled in seventh 1736
and eighth grade to meet curriculum requirements based on 1737
subject area competency adopted by the department under 1738
divisions (J) (1) and (2) of section 3313.603 of the Revised 1739
Code. Beginning with the 2018-2019 school year, the school shall 1740
comply with the framework for granting units of high school 1741
credit to students who demonstrate subject area competency 1742
through work-based learning experiences, internships, or 1743

cooperative education developed by the department under division 1744
(J) (3) of section 3313.603 of the Revised Code. 1745

(g) The school governing authority will submit within four 1746
months after the end of each school year a report of its 1747
activities and progress in meeting the goals and standards of 1748
divisions (A) (3) and (4) of this section and its financial 1749
status to the sponsor and the parents of all students enrolled 1750
in the school. 1751

(h) The school, unless it is an internet- or computer- 1752
based community school, will comply with section 3313.801 of the 1753
Revised Code as if it were a school district. 1754

(i) If the school is the recipient of moneys from a grant 1755
awarded under the federal race to the top program, Division (A), 1756
Title XIV, Sections 14005 and 14006 of the "American Recovery 1757
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 1758
the school will pay teachers based upon performance in 1759
accordance with section 3317.141 and will comply with section 1760
3319.111 of the Revised Code as if it were a school district. 1761

(j) If the school operates a preschool program that is 1762
licensed by the department under sections 3301.52 to 3301.59 of 1763
the Revised Code, the school shall comply with sections 3301.50 1764
to 3301.59 of the Revised Code and the minimum standards for 1765
preschool programs prescribed in rules adopted by the department 1766
of children and youth under section 3301.53 of the Revised Code. 1767

(k) The school will comply with sections 3313.6021 and 1768
3313.6023 of the Revised Code as if it were a school district 1769
unless it is either of the following: 1770

(i) An internet- or computer-based community school; 1771

(ii) A community school in which a majority of the 1772

enrolled students are children with disabilities as described in 1773
division (A) (4) (b) of section 3314.35 of the Revised Code. 1774

(1) The school will comply with section 3321.191 of the 1775
Revised Code, unless it is an internet- or computer-based 1776
community school that is subject to section 3314.261 of the 1777
Revised Code. 1778

(12) Arrangements for providing health and other benefits 1779
to employees; 1780

(13) The length of the contract, which shall begin at the 1781
beginning of an academic year. No contract shall exceed five 1782
years unless such contract has been renewed pursuant to division 1783
(E) of this section. 1784

(14) The governing authority of the school, which shall be 1785
responsible for carrying out the provisions of the contract; 1786

(15) A financial plan detailing an estimated school budget 1787
for each year of the period of the contract and specifying the 1788
total estimated per pupil expenditure amount for each such year. 1789

(16) Requirements and procedures regarding the disposition 1790
of employees of the school in the event the contract is 1791
terminated or not renewed pursuant to section 3314.07 of the 1792
Revised Code; 1793

(17) Whether the school is to be created by converting all 1794
or part of an existing public school or educational service 1795
center building or is to be a new start-up school, and if it is 1796
a converted public school or service center building, 1797
specification of any duties or responsibilities of an employer 1798
that the board of education or service center governing board 1799
that operated the school or building before conversion is 1800
delegating to the governing authority of the community school 1801

with respect to all or any specified group of employees provided 1802
the delegation is not prohibited by a collective bargaining 1803
agreement applicable to such employees; 1804

(18) Provisions establishing procedures for resolving 1805
disputes or differences of opinion between the sponsor and the 1806
governing authority of the community school; 1807

(19) A provision requiring the governing authority to 1808
adopt a policy regarding the admission of students who reside 1809
outside the district in which the school is located. That policy 1810
shall comply with the admissions procedures specified in 1811
sections 3314.06 and 3314.061 of the Revised Code and, at the 1812
sole discretion of the authority, shall do one of the following: 1813

(a) Prohibit the enrollment of students who reside outside 1814
the district in which the school is located; 1815

(b) Permit the enrollment of students who reside in 1816
districts adjacent to the district in which the school is 1817
located; 1818

(c) Permit the enrollment of students who reside in any 1819
other district in the state. 1820

(20) A provision recognizing the authority of the 1821
department to take over the sponsorship of the school in 1822
accordance with the provisions of division (C) of section 1823
3314.015 of the Revised Code; 1824

(21) A provision recognizing the sponsor's authority to 1825
assume the operation of a school under the conditions specified 1826
in division (B) of section 3314.073 of the Revised Code; 1827

(22) A provision recognizing both of the following: 1828

(a) The authority of public health and safety officials to 1829

inspect the facilities of the school and to order the facilities 1830
closed if those officials find that the facilities are not in 1831
compliance with health and safety laws and regulations; 1832

(b) The authority of the department as the community 1833
school oversight body to suspend the operation of the school 1834
under section 3314.072 of the Revised Code if the department has 1835
evidence of conditions or violations of law at the school that 1836
pose an imminent danger to the health and safety of the school's 1837
students and employees and the sponsor refuses to take such 1838
action. 1839

(23) A description of the learning opportunities that will 1840
be offered to students including both classroom-based and non- 1841
classroom-based learning opportunities that is in compliance 1842
with criteria for student participation established by the 1843
department under division (H) (2) of section 3314.08 of the 1844
Revised Code; 1845

(24) The school will comply with sections 3302.04 and 1846
3302.041 of the Revised Code, except that any action required to 1847
be taken by a school district pursuant to those sections shall 1848
be taken by the sponsor of the school. 1849

(25) Beginning in the 2006-2007 school year, the school 1850
will open for operation not later than the thirtieth day of 1851
September each school year, unless the mission of the school as 1852
specified under division (A) (2) of this section is solely to 1853
serve dropouts. In its initial year of operation, if the school 1854
fails to open by the thirtieth day of September, or within one 1855
year after the adoption of the contract pursuant to division (D) 1856
of section 3314.02 of the Revised Code if the mission of the 1857
school is solely to serve dropouts, the contract shall be void. 1858

(26) Whether the school's governing authority is planning 1859
to seek designation for the school as a STEM school equivalent 1860
under section 3326.032 of the Revised Code; 1861

(27) That the school's attendance and participation 1862
policies will be available for public inspection; 1863

(28) That the school's attendance and participation 1864
records shall be made available to the department, auditor of 1865
state, and school's sponsor to the extent permitted under and in 1866
accordance with the "Family Educational Rights and Privacy Act 1867
of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 1868
regulations promulgated under that act, and section 3319.321 of 1869
the Revised Code; 1870

(29) If a school operates using the blended learning 1871
model, as defined in section 3301.079 of the Revised Code, all 1872
of the following information: 1873

(a) An indication of what blended learning model or models 1874
will be used; 1875

(b) A description of how student instructional needs will 1876
be determined and documented; 1877

(c) The method to be used for determining competency, 1878
granting credit, and promoting students to a higher grade level; 1879

(d) The school's attendance requirements, including how 1880
the school will document participation in learning 1881
opportunities; 1882

(e) A statement describing how student progress will be 1883
monitored; 1884

(f) A statement describing how private student data will 1885
be protected; 1886

(g) A description of the professional development activities that will be offered to teachers.	1887 1888
(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;	1889 1890 1891 1892
(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.	1893 1894 1895 1896 1897
(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.	1898 1899 1900 1901 1902
(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.	1903 1904 1905
(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:	1906 1907 1908
(1) The process by which the governing authority of the school will be selected in the future;	1909 1910
(2) The management and administration of the school;	1911
(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not	1912 1913 1914

to attend the converted school and for teachers who choose not to teach in the school or building after conversion; 1915
1916

(4) The instructional program and educational philosophy of the school; 1917
1918

(5) Internal financial controls. 1919

When submitting the plan under this division, the school shall also submit copies of all policies and procedures regarding internal financial controls adopted by the governing authority of the school. 1920
1921
1922
1923

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state. 1924
1925
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1930
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1933

(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department under division (B) of section 3314.015 of the Revised Code and shall include the following: 1934
1935
1936
1937

(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract; 1938
1939
1940

(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis; 1941
1942
1943

- (3) Report on an annual basis the results of the evaluation conducted under division (D) (2) of this section to the department and to the parents of students enrolled in the community school;
- (4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;
- (5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor;
- (6) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year.
- (E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code.
- (F) If a community school fails to open for operation

within one year after the contract entered into under this 1973
section is adopted pursuant to division (D) of section 3314.02 1974
of the Revised Code or permanently closes prior to the 1975
expiration of the contract, the contract shall be void and the 1976
school shall not enter into a contract with any other sponsor. A 1977
school shall not be considered permanently closed because the 1978
operations of the school have been suspended pursuant to section 1979
3314.072 of the Revised Code. 1980

Sec. 3314.08. (A) As used in this section: 1981

(1) "IEP" has the same meaning as in section 3323.01 of 1982
the Revised Code. 1983

(2) "Preschool program" has the same meaning as in section 1984
3317.02 of the Revised Code. 1985

(3) "Resident district" means the school district in which 1986
a student is entitled to attend school under section 3313.64 or 1987
3313.65 of the Revised Code. 1988

(B) The department of education and workforce shall adopt 1989
rules requiring the governing authority of each community school 1990
established under this chapter to annually report all of the 1991
following: 1992

(1) The number of students enrolled in grades one through 1993
twelve and the full-time equivalent number of students enrolled 1994
in kindergarten in the school and a preschool operated by the 1995
school who are not receiving special education and related 1996
services pursuant to an IEP; 1997

(2) The number of enrolled students in grades one through 1998
twelve and the full-time equivalent number of enrolled students 1999
in kindergarten or a preschool operated by the school, who are 2000
receiving special education and related services pursuant to an 2001

IEP;	2002
(3) The number of students reported under division (B) (2) of this section receiving special education and related services pursuant to an IEP for a disability described in each of divisions (A) to (F) of section 3317.013 of the Revised Code;	2003 2004 2005 2006
(4) The full-time equivalent number of students reported under divisions (B) (1) and (2) of this section who are enrolled in career-technical education programs or classes described in each of divisions (A) (1) to (5) of section 3317.014 of the Revised Code that are provided by the community school;	2007 2008 2009 2010 2011
(5) The number of students reported under divisions (B) (1) and (2) of this section who are not reported under division (B) (4) of this section but who are enrolled in career-technical education programs or classes described in each of divisions (A) (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;	2012 2013 2014 2015 2016 2017 2018
(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;	2019 2020 2021 2022
(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.	2023 2024 2025 2026 2027
(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.	2028 2029 2030

~~(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) 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) to (F) of section 3317.013 of the Revised Code exceed the threshold cost for serving the student as specified in division (B) of section 3317.0214 of the Revised Code, the school may submit to the director of education and workforce documentation, as prescribed by the director, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the community school an amount equal to the school's costs for the student in excess of the threshold costs.

(b) The community school shall report under division (C) (1) (a) of this section, and the department shall pay for, only the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to

the student may not be included in the amount. 2061

(2) In any fiscal year, a community school receiving funds 2062
under division (A) (7) of section 3317.022 of the Revised Code 2063
shall spend those funds only for the purposes that the 2064
department designates as approved for career-technical education 2065
expenses. Career-technical education expenses approved by the 2066
department shall include only expenses connected to the delivery 2067
of career-technical programming to career-technical students. 2068
The department shall require the school to report data annually 2069
so that the department may monitor the school's compliance with 2070
the requirements regarding the manner in which funding received 2071
under division (A) (7) of section 3317.022 of the Revised Code 2072
may be spent. 2073

(3) Notwithstanding anything to the contrary in section 2074
3313.90 of the Revised Code, except as provided in division (C) 2075
(5) of this section, all funds received under division (A) (7) of 2076
section 3317.022 of the Revised Code shall be spent in the 2077
following manner: 2078

(a) At least seventy-five per cent of the funds shall be 2079
spent on curriculum development, purchase, and implementation; 2080
instructional resources and supplies; industry-based program 2081
certification; student assessment, credentialing, and placement; 2082
curriculum specific equipment purchases and leases; career- 2083
technical student organization fees and expenses; home and 2084
agency linkages; work-based learning experiences; professional 2085
development; and other costs directly associated with career- 2086
technical education programs including development of new 2087
programs. 2088

(b) Not more than twenty-five per cent of the funds shall 2089
be used for personnel expenditures. 2090

(4) A community school shall spend the funds it receives 2091
under division (A) (4) of section 3317.022 of the Revised Code in 2092
accordance with section 3317.25 of the Revised Code. 2093

(5) The department may waive the requirement in division 2094
(C) (3) of this section for any community school that exclusively 2095
provides one or more career-technical workforce development 2096
programs in arts and communications that are not equipment- 2097
intensive, as determined by the department. 2098

(6) For fiscal years 2024 and 2025, a community school 2099
shall spend the funds it receives under division (A) (5) of 2100
section 3317.022 of the Revised Code only for services for 2101
English learners. 2102

(D) A board of education sponsoring a community school may 2103
utilize local funds to make enhancement grants to the school or 2104
may agree, either as part of the contract or separately, to 2105
provide any specific services to the community school at no cost 2106
to the school. 2107

(E) A community school may not levy taxes or issue bonds 2108
secured by tax revenues. 2109

(F) No community school shall charge tuition for the 2110
enrollment of any student who is a resident of this state. A 2111
community school may charge tuition for the enrollment of any 2112
student who is not a resident of this state. 2113

(G) (1) (a) A community school may borrow money to pay any 2114
necessary and actual expenses of the school in anticipation of 2115
the receipt of any portion of the payments to be received by the 2116
school pursuant to section 3317.022 of the Revised Code. The 2117
school may issue notes to evidence such borrowing. The proceeds 2118
of the notes shall be used only for the purposes for which the 2119

anticipated receipts may be lawfully expended by the school.	2120
(b) A school may also borrow money for a term not to	2121
exceed fifteen years for the purpose of acquiring facilities.	2122
(2) The state is not liable for debt incurred by the	2123
governing authority of a community school.	2124
(H) The department shall adjust the amounts paid under	2125
section 3317.022 of the Revised Code to reflect any enrollment	2126
of students in community schools for less than the equivalent of	2127
a full school year. The department shall adopt in accordance	2128
with Chapter 119. of the Revised Code rules governing the	2129
payments to community schools under section 3317.022 of the	2130
Revised Code including initial payments in a school year and	2131
adjustments and reductions made in subsequent periodic payments	2132
to community schools as provided under section 3317.022 of the	2133
Revised Code. For purposes of this division:	2134
(1) A student shall be considered enrolled in the	2135
community school for any portion of the school year the student	2136
is participating at a college under Chapter 3365. of the Revised	2137
Code.	2138
(2) A student shall be considered to be enrolled in a	2139
community school for the period of time beginning on the later	2140
of the date on which the school both has received documentation	2141
of the student's enrollment from a parent and the student has	2142
commenced participation in learning opportunities as defined in	2143
the contract with the sponsor, or thirty days prior to the date	2144
on which the student is entered into the education management	2145
information system established under section 3301.0714 of the	2146
Revised Code. For purposes of applying this division and	2147
divisions (H) (3) and (4) of this section to a community school	2148

student, "learning opportunities" shall be defined in the 2149
contract, which shall describe both classroom-based and non- 2150
classroom-based learning opportunities and shall be in 2151
compliance with criteria and documentation requirements for 2152
student participation which shall be established by the 2153
department. Any student's instruction time in non-classroom- 2154
based learning opportunities shall be certified by an employee 2155
of the community school. A student's enrollment shall be 2156
considered to cease on the date on which any of the following 2157
occur: 2158

(a) The community school receives documentation from a 2159
parent terminating enrollment of the student. 2160

(b) The community school is provided documentation of a 2161
student's enrollment in another public or private school. 2162

(c) The community school ceases to offer learning 2163
opportunities to the student pursuant to the terms of the 2164
contract with the sponsor or the operation of any provision of 2165
this chapter. 2166

Except as otherwise specified in this paragraph, beginning 2167
in the 2011-2012 school year, any student who completed the 2168
prior school year in an internet- or computer-based community 2169
school shall be considered to be enrolled in the same school in 2170
the subsequent school year until the student's enrollment has 2171
ceased as specified in division (H) (2) of this section. The 2172
department shall continue paying amounts for the student under 2173
section 3317.022 of the Revised Code without interruption at the 2174
start of the subsequent school year. However, if the student 2175
without a legitimate excuse fails to participate in the first 2176
seventy-two consecutive hours of learning opportunities offered 2177
to the student in that subsequent school year, the student shall 2178

be considered not to have re-enrolled in the school for that 2179
school year and the department shall recalculate the payments to 2180
the school for that school year to account for the fact that the 2181
student is not enrolled. 2182

(3) The department shall determine each community school 2183
student's percentage of full-time equivalency based on the 2184
percentage of learning opportunities offered by the community 2185
school to that student, reported either as number of hours or 2186
number of days, is of the total learning opportunities offered 2187
by the community school to a student who attends for the 2188
school's entire school year. However, no internet- or computer- 2189
based community school shall be credited for any time a student 2190
spends participating in learning opportunities beyond ten hours 2191
within any period of twenty-four consecutive hours. Whether it 2192
reports hours or days of learning opportunities, each community 2193
school shall offer not less than nine hundred twenty hours of 2194
learning opportunities during the school year. 2195

(4) With respect to the calculation of full-time 2196
equivalency under division (H) (3) of this section, the 2197
department shall waive the number of hours or days of learning 2198
opportunities not offered to a student because the community 2199
school was closed during the school year due to disease 2200
epidemic, hazardous weather conditions, law enforcement 2201
emergencies, inoperability of school buses or other equipment 2202
necessary to the school's operation, damage to a school 2203
building, or other temporary circumstances due to utility 2204
failure rendering the school building unfit for school use, so 2205
long as the school was actually open for instruction with 2206
students in attendance during that school year for not less than 2207
the minimum number of hours required by this chapter. The 2208
department shall treat the school as if it were open for 2209

instruction with students in attendance during the hours or days 2210
waived under this division. 2211

(I) The department of education and workforce shall reduce 2212
the amounts paid under section 3317.022 of the Revised Code to 2213
reflect payments made to colleges under section 3365.07 of the 2214
Revised Code. 2215

(J) (1) No student shall be considered enrolled in any 2216
internet- or computer-based community school or, if applicable 2217
to the student, in any community school that is required to 2218
provide the student with a computer pursuant to division (C) of 2219
section 3314.22 of the Revised Code, unless both of the 2220
following conditions are satisfied: 2221

(a) The student possesses or has been provided with all 2222
required hardware and software materials and all such materials 2223
are operational so that the student is capable of fully 2224
participating in the learning opportunities specified in the 2225
contract between the school and the school's sponsor as required 2226
by division (A) (23) of section 3314.03 of the Revised Code; 2227

(b) The school is in compliance with division (A) of 2228
section 3314.22 of the Revised Code, relative to such student. 2229

(2) In accordance with policies adopted by the department 2230
of education and workforce, in consultation with the auditor of 2231
state, the department shall reduce the amounts otherwise payable 2232
under section 3317.022 of the Revised Code to any community 2233
school that includes in its program the provision of computer 2234
hardware and software materials to any student, if such hardware 2235
and software materials have not been delivered, installed, and 2236
activated for each such student in a timely manner or other 2237
educational materials or services have not been provided 2238

according to the contract between the individual community 2239
school and its sponsor. 2240

The director and the auditor of state shall jointly 2241
establish a method for auditing any community school to which 2242
this division pertains to ensure compliance with this section. 2243

The director, auditor of state, and the governor shall 2244
jointly make recommendations to the general assembly for 2245
legislative changes that may be required to assure fiscal and 2246
academic accountability for such schools. 2247

(K) (1) If the department determines that a review of a 2248
community school's enrollment is necessary, such review shall be 2249
completed and written notice of the findings shall be provided 2250
to the governing authority of the community school and its 2251
sponsor within ninety days of the end of the community school's 2252
fiscal year, unless extended for a period not to exceed thirty 2253
additional days for one of the following reasons: 2254

(a) The department and the community school mutually agree 2255
to the extension. 2256

(b) Delays in data submission caused by either a community 2257
school or its sponsor. 2258

(2) If the review results in a finding that additional 2259
funding is owed to the school, such payment shall be made within 2260
thirty days of the written notice. If the review results in a 2261
finding that the community school owes moneys to the state, the 2262
following procedure shall apply: 2263

(a) Within ten business days of the receipt of the notice 2264
of findings, the community school may appeal the department's 2265
determination to the director. 2266

(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 paying tuition for the student pursuant to section 3314.26 of the Revised Code. The director may grant a waiver only for good cause in accordance with rules adopted by the department.

(4) Any student 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 2296
or enlistment in the armed forces and who apply for enrollment 2297
in a community school not later than four years after 2298
termination of war or their honorable discharge. If, however, 2299
any such veteran elects to enroll in special courses organized 2300
for veterans for whom tuition is paid under federal law, or 2301
otherwise, the department shall not pay to a community school 2302
under section 3317.022 of the Revised Code any amount for that 2303
veteran. 2304

Sec. 3317.011. This section shall apply only for fiscal 2305
years 2024 and 2025. 2306

(A) As used in this section: 2307

(1) "Average administrative assistant salary" means the 2308
average salary of administrative assistants employed by city, 2309
local, and exempted village school districts in this state with 2310
salaries greater than \$20,000 but less than \$65,000, using 2311
fiscal year 2022 data, as determined by the department of 2312
education and workforce. 2313

(2) "Average bookkeeping and accounting employee salary" 2314
means the average salary of bookkeeping employees and accounting 2315
employees employed by city, local, and exempted village school 2316
districts in this state with salaries greater than \$20,000 but 2317
less than \$80,000, using fiscal year 2022 data, as determined by 2318
the department. 2319

(3) "Average clerical staff salary" means the average 2320
salary of clerical staff employed by city, local, and exempted 2321
village school districts in this state with salaries greater 2322
than \$15,000 but less than \$50,000, using fiscal year 2022 data, 2323
as determined by the department. 2324

(4) "Average counselor salary" means the average salary of
counselors 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.

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

(6) "Average librarian and media staff salary" means the
average salary of librarians and media staff 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.

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

(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 2354
greater than \$60,000 but less than \$180,000, using fiscal year 2355
2022 data, as determined by the department. 2356

(10) "Average teacher cost" for a fiscal year is equal to 2357
the sum of the following: 2358

(a) The average salary of teachers employed by city, 2359
local, and exempted village school districts in this state with 2360
salaries greater than \$30,000 but less than \$95,000, using 2361
fiscal year 2022 data, as determined by the department; 2362

(b) An amount for teacher benefits equal to 0.16 times the 2363
average salary calculated under division (A) (10) (a) of this 2364
section; 2365

(c) An amount for district-paid insurance costs equal to 2366
the following product: 2367

The statewide weighted average employer-paid monthly premium 2368
based on data reported by city, local, and exempted village 2369
school districts to the state employment relations board for the 2370
health insurance survey conducted in accordance with divisions 2371
(K) (5) and (6) of section 4117.02 of the Revised Code using 2372
fiscal year 2022 data X 12 2373

(11) "Eligible school district" means a city, local, or 2374
exempted village school district that satisfies one of the 2375
following: 2376

(a) The district is a member of an organization that 2377
regulates interscholastic athletics. 2378

(b) The district has teams in at least three different 2379
sports that participate in an interscholastic league. 2380

(B) When calculating a district's aggregate base cost 2381

under this section, the department shall use data from fiscal	2382
year 2022 for all of the following:	2383
(1) The average salaries determined under divisions (A)	2384
(1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) (a) of this	2385
section;	2386
(2) The amount for teacher benefits determined under	2387
division (A) (10) (b) of this section;	2388
(3) The district-paid insurance costs determined under	2389
division (A) (10) (c) of this section;	2390
(4) The spending determined under divisions (E) (4) (a), (E)	2391
(5) (a), (E) (6) (a), and (H) (1) of this section and the	2392
corresponding student counts determined under divisions (E) (4)	2393
(b), (E) (5) (b), (E) (6) (b), and (H) (2) of this section;	2394
(5) The information determined under division (G) (3) of	2395
this section.	2396
(C) A city, local, or exempted village school district's	2397
aggregate base cost for a fiscal year shall be equal to the	2398
following sum:	2399
(The district's teacher base cost for that fiscal year computed	2400
under division (D) of this section) + (the district's student	2401
support base cost for that fiscal year computed under division	2402
(E) of this section) + (the district's leadership and	2403
accountability base cost for that fiscal year computed under	2404
division (F) of this section) + (the district's building	2405
leadership and operations base cost for that fiscal year	2406
computed under division (G) of this section) + (the athletic co-	2407
curricular activities base cost for that fiscal year computed	2408
under division (H) of this section, if the district is an	2409
eligible school district)	2410

(D) The department shall compute a district's teacher base cost for a fiscal year as follows:	2411 2412
(1) Calculate the district's classroom teacher cost for that fiscal year as follows:	2413 2414
(a) <u>(a) (i) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in a preschool program operated by the district and divide that number by 10;</u>	2415 2416 2417 2418
<u>(ii) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in kindergarten and divide that number by 20;</u>	2419 2420 2421
(b) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades one through three and divide that number by 23;	2422 2423 2424 2425
(c) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades four through eight 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 25;	2426 2427 2428 2429 2430 2431
(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;	2432 2433 2434 2435 2436 2437
(e) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are	2438 2439

enrolled in a career-technical education program or class, as 2440
certified under divisions (B) (11), (12), (13), (14), and (15) of 2441
section 3317.03 of the Revised Code, and divide that number by 2442
18; 2443

(f) Compute the sum of the quotients obtained under 2444
divisions (D) (1) (a), (b), (c), (d), and (e) of this section; 2445

(g) Compute the classroom teacher cost by multiplying the 2446
average teacher cost for that fiscal year by the sum computed 2447
under division (D) (1) (f) of this section. 2448

(2) Calculate the district's special teacher cost for that 2449
fiscal year as follows: 2450

(a) Divide the district's base cost enrolled ADM for that 2451
fiscal year by 150; 2452

(b) If the quotient obtained under division (D) (2) (a) of 2453
this section is greater than 6, the special teacher cost shall 2454
be equal to that quotient multiplied by the average teacher cost 2455
for that fiscal year. 2456

(c) If the quotient obtained under division (D) (2) (a) of 2457
this section is less than or equal to 6, the special teacher 2458
cost shall be equal to 6 multiplied by the average teacher cost 2459
for that fiscal year. 2460

(3) Calculate the district's substitute teacher cost for 2461
that fiscal year in accordance with the following formula: 2462

(a) Compute the substitute teacher daily rate with 2463
benefits by multiplying the substitute teacher daily rate of \$90 2464
by 1.16; 2465

(b) Compute the substitute teacher cost in accordance with 2466
the following formula: 2467

[The sum computed under division (D) (1) (f) of this section +	2468
(the greater of the quotient obtained under division (D) (2) (a)	2469
of this section and 6)] X the amount computed under division (D)	2470
(3) (a) of this section X 5	2471
(4) Calculate the district's professional development cost	2472
for that fiscal year in accordance with the following formula:	2473
[The sum computed under division (D) (1) (f) of this section +	2474
(the greater of the quotient obtained under division (D) (2) (a)	2475
of this section and 6)] X [(the sum of divisions (A) (10) (a) and	2476
(b) of this section for that fiscal year)/180] X 4	2477
(5) Calculate the district's teacher base cost for that	2478
fiscal year, which equals the sum of divisions (D) (1), (2), (3),	2479
and (4) of this section.	2480
(E) The department shall compute a district's student	2481
support base cost for a fiscal year as follows:	2482
(1) Calculate the district's guidance counselor cost for	2483
that fiscal year as follows:	2484
(a) Determine the number of students in the district's	2485
base cost enrolled ADM for that fiscal year that are enrolled in	2486
grades nine through twelve and divide that number by 360;	2487
(b) Compute the counselor cost in accordance with the	2488
following formula:	2489
(The greater of the quotient obtained under division (E) (1) (a)	2490
of this section and 1) X [(the average counselor salary for that	2491
fiscal year X 1.16) + the amount specified under division (A)	2492
(10) (c) of this section for that fiscal year]	2493
(2) Calculate the district's librarian and media staff	2494
cost for that fiscal year as follows:	2495

(a) Divide the district's base cost enrolled ADM for that fiscal year by 1,000;	2496 2497
(b) Compute the librarian and media staff cost in accordance with the following formula:	2498 2499
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]	2500 2501 2502 2503
(3) Calculate the district's staffing cost for student wellness and success for that fiscal year as follows:	2504 2505
(a) Divide the district's base cost enrolled ADM for that fiscal year by 250;	2506 2507
(b) Compute the staffing cost for student wellness and success in accordance with the following formula:	2508 2509
(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]	2510 2511 2512 2513
(4) Calculate the district's academic co-curricular activities cost for that fiscal year as follows:	2514 2515
(a) Determine the total amount of spending for academic co-curricular activities reported by city, local, and exempted village school districts to the department using fiscal year 2022 data;	2516 2517 2518 2519
(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) (4) (a) of this section;	2520 2521 2522

(c) Compute the academic co-curricular activities cost in accordance with the following formula:	2523 2524
(The amount determined under division (E) (4) (a) of this section / the sum determined under division (E) (4) (b) of this section) X the district's base cost enrolled ADM for the fiscal year for which the academic co-curricular activities cost is computed	2525 2526 2527 2528 2529
(5) Calculate the district's building safety and security cost for that fiscal year as follows:	2530 2531
(a) Determine the total amount of spending for building safety and security reported by city, local, and exempted village school districts to the department using fiscal year 2022 data;	2532 2533 2534 2535
(b) Determine the sum of the enrolled ADM of every school district in the state that reported the data specified under division (E) (5) (a) of this section using fiscal year 2022 data;	2536 2537 2538
(c) Compute the building safety and security cost in accordance with the following formula:	2539 2540
(The amount determined under division (E) (5) (a) of this section / the sum determined under division (E) (5) (a) of this section) X the district's base cost enrolled ADM for the fiscal year for which the building safety and security cost is computed	2541 2542 2543 2544
(6) Calculate the district's supplies and academic content cost for that fiscal year as follows:	2545 2546
(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;	2547 2548 2549 2550

(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;

(c) Compute the supplies and academic content cost in accordance with the following formula:

(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

(7) Calculate the district's technology cost for that fiscal year in accordance with the following formula:

\$37.50 X the district's base cost enrolled ADM for that fiscal year

(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.

(F) The department shall compute a district's leadership and accountability base cost for a fiscal year as follows:

(1) Calculate the district's superintendent cost for that fiscal year as follows:

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

(b) If the district's base cost enrolled ADM for that fiscal year is less than or equal to 4,000 but greater than or

equal to 500, the district's superintendent cost shall be equal 2579
to the sum of the following: 2580

(i) (The district's base cost enrolled ADM for that fiscal 2581
year - 500) X $\{[(\$160,000 \times 1.16) - (\$80,000 \times 1.16)]/3500\};$ 2582

(ii) $(\$80,000 \times 1.16)$ + the amount specified under 2583
division (A) (10) (c) of this section for that fiscal year. 2584

(c) If the district's base cost enrolled ADM is less than 2585
500, then the district's superintendent cost shall be equal to 2586
 $[(\$80,000 \times 1.16) + \text{the amount specified under division (A) (10)}$ 2587
 $(c) \text{ of this section for that fiscal year}]$. 2588

(2) Calculate the district's treasurer cost for that 2589
fiscal year as follows: 2590

(a) If the district's base cost enrolled ADM for that 2591
fiscal year is greater than 4,000, then the district's treasurer 2592
cost shall be equal to $[(\$130,000 \times 1.16) + \text{the amount specified}$ 2593
 $\text{under division (A) (10) (c) of this section for that fiscal year}]$. 2594

(b) If the district's base cost enrolled ADM for that 2595
fiscal year is less than or equal to 4,000 but greater than or 2596
equal to 500, the district's treasurer cost shall be equal to 2597
the sum of the following: 2598

(i) (The district's base cost enrolled ADM for that fiscal 2599
year - 500) X $\{[(\$130,000 \times 1.16) - (\$60,000 \times 1.16)]/3500\};$ 2600

(ii) $(\$60,000 \times 1.16)$ + the amount specified under 2601
division (A) (10) (c) of this section for that fiscal year. 2602

(c) If the district's base cost enrolled ADM is less than 2603
500, then the district's treasurer cost shall be equal to 2604
 $[(\$60,000 \times 1.16) + \text{the amount specified under division (A) (10)}$ 2605
 $(c) \text{ of this section for that fiscal year}]$. 2606

(3) Calculate the district's other district administrator cost for that fiscal year as follows:	2607 2608
(a) Divide the average other district administrator salary for that fiscal year by the average superintendent salary for that fiscal year;	2609 2610 2611
(b) Divide the district's base cost enrolled ADM for that fiscal year by 750;	2612 2613
(c) Compute the other district administrator cost in accordance with the following formula:	2614 2615
{[(The district's superintendent cost for that fiscal year calculated under division (F) (1) of this section - the amount specified under division (A) (10) (c) of this section for that fiscal year) X the quotient obtained under division (F) (3) (a) of this section] + the amount specified under division (A) (10) (c) of this section} X (the greater of the quotient obtained under division (F) (3) (b) of this section and 2)	2616 2617 2618 2619 2620 2621 2622
(4) Calculate the district's fiscal support cost for that fiscal year as follows:	2623 2624
(a) Divide the district's base cost enrolled ADM for that fiscal year by 850;	2625 2626
(b) Determine the lesser of the following:	2627
(i) The maximum of the quotient obtained under division (F) (4) (a) of this section and 2;	2628 2629
(ii) 35.	2630
(c) Compute the fiscal support cost in accordance with the following formula:	2631 2632
The number obtained under division (F) (4) (b) of this section X	2633

[(the average bookkeeping and accounting employee salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]	2634
	2635
	2636
(5) Calculate the district's education management information system support cost for that fiscal year as follows:	2637
	2638
(a) Divide the district's base cost enrolled ADM for that fiscal year by 5,000;	2639
	2640
(b) Compute the education management information system support cost in accordance with the following formula:	2641
	2642
(The greater of the quotient obtained under division (F) (5) (a) of this section and 1) X [(the average education management information system support employee salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]	2643
	2644
	2645
	2646
	2647
(6) Calculate the district's leadership support cost for that fiscal year as follows:	2648
	2649
(a) Determine the greater of the quotient obtained under division (F) (3) (b) of this section and 2, and add 1 to that number;	2650
	2651
	2652
(b) Divide the number obtained under division (F) (6) (a) of this section by 3;	2653
	2654
(c) Compute the leadership support cost in accordance with the following formula:	2655
	2656
(The greater of the quotient obtained under division (F) (6) (b) of this section and 1) X [(the average administrative assistant salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]	2657
	2658
	2659
	2660

(7) Calculate the district's information technology center support cost for that fiscal year in accordance with the following formula:

\$31 X the district's base cost enrolled ADM for that fiscal year

(8) Calculate the district's district leadership and accountability base cost for that fiscal year, which equals the sum of divisions (F) (1), (2), (3), (4), (5), (6), and (7) of this section.

(G) The department shall compute a district's building leadership and operations base cost for a fiscal year as follows:

(1) Calculate the district's building leadership cost for that fiscal year as follows:

(a) Divide the average principal salary for that fiscal year by the average superintendent salary for that fiscal year;

(b) Divide the district's base cost enrolled ADM for that fiscal year by 450;

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

{[(The district's superintendent cost for that fiscal year calculated under division (F) (1) of this section - the amount specified under division (A) (10) (c) of this section for that fiscal year) X the quotient obtained under division (G) (1) (a) of this section] + the amount specified under division (A) (10) (c) of this section for that fiscal year} X the quotient obtained under division (G) (1) (b) of this section

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

(a) Divide the district's base cost enrolled ADM for that fiscal year by 400;	2689 2690
(b) Determine the number of school buildings in the district for that fiscal year;	2691 2692
(c) Compute the building leadership support cost in accordance with the following formula:	2693 2694
(i) If the quotient obtained under division (G) (2) (a) of this section is less than the number obtained under division (G) (2) (b) of this section, then the district's building leadership support cost shall be equal to {the number obtained under division (G) (2) (b) of this section for that fiscal year X [(the average clerical staff salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]}.	2695 2696 2697 2698 2699 2700 2701 2702
(ii) If the quotient obtained under division (G) (2) (a) of this section is greater than or equal to the number obtained under division (G) (2) (b) of this section, then the district's building leadership support cost shall be equal to {[the lesser of (the number obtained under division (G) (2) (b) of this section X 3) and the quotient obtained under division (G) (2) (a) of this section] X [(the average clerical staff salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]}.	2703 2704 2705 2706 2707 2708 2709 2710 2711
(3) Calculate the district's building operations cost for that fiscal year as follows:	2712 2713
(a) Determine both of the following:	2714
(i) The average building square feet per pupil for all city, local, and exempted village school district buildings in the state;	2715 2716 2717

(ii) The average cost per square foot for all city, local, and exempted village school district buildings in the state.	2718 2719
(b) Compute the building operations cost in accordance with the following formula:	2720 2721
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)]	2722 2723 2724 2725 2726 2727
(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.	2728 2729 2730
(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:	2731 2732 2733
(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;	2734 2735 2736
(2) Determine the sum of the enrolled ADM of every school district in the state for that fiscal year;	2737 2738
(3) Compute the district's athletic co-curricular activities base cost in accordance with the following formula:	2739 2740
(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	2741 2742 2743 2744
Sec. 3317.0110. This section shall apply only for fiscal	2745

years 2024 and 2025.	2746
(A) As used in this section:	2747
(1) "Average teacher cost" for a fiscal year has the same meaning as in section 3317.011 of the Revised Code.	2748 2749
(2) "Eligible community or STEM school" means a community or STEM school that satisfies one of the following:	2750 2751
(a) The school is a member of an organization that regulates interscholastic athletics.	2752 2753
(b) The school has teams in at least three different sports that participate in an interscholastic league.	2754 2755
(B) When calculating a community or STEM school's aggregate base cost under this section, the department shall use data from fiscal year 2022 for the average teacher cost.	2756 2757 2758
(C) A community or STEM school's aggregate base cost for a fiscal year shall be equal to the following sum:	2759 2760
(The school's teacher base cost for that fiscal year computed under division (D) of this section) + (the school's student support base cost for that fiscal year computed under division (E) of this section) + (the school's leadership and accountability base cost for that fiscal year computed under division (F) of this section) + (the school's building leadership and operations base cost for that fiscal year computed under division (G) of this section) + (the school's athletic co-curricular activities base cost for that fiscal year computed under division (H) of this section, if the school is an eligible community or STEM school)	2761 2762 2763 2764 2765 2766 2767 2768 2769 2770 2771
(D) The department of education shall compute a community or STEM school's teacher base cost for a fiscal year as follows:	2772 2773

(1) Calculate the school's classroom teacher cost for that fiscal year as follows:	2774 2775
(a) <u>(a) (i) Determine the full-time equivalency of students enrolled in the school's preschool program, if it has one, for the fiscal year and divide that number by 10;</u>	2776 2777 2778
<u>(ii) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in kindergarten and divide that number by 20;</u>	2779 2780 2781
(b) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in grades one through three and divide that number by 23;	2782 2783 2784
(c) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in grades four through eight 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 25;	2785 2786 2787 2788 2789
(d) Determine the full-time equivalency of students enrolled in the school 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;	2790 2791 2792 2793 2794
(e) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in a career-technical education program or class, as reported under division (B) (4) of section 3314.08 of the Revised Code, and divide that number by 18;	2795 2796 2797 2798 2799
(f) Compute the sum of the quotients obtained under divisions (D) (1) (a), (b), (c), (d), and (e) of this section;	2800 2801

(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.	2802 2803 2804
(2) Calculate the school's special teacher cost for that fiscal year as follows:	2805 2806
(a) Divide the number of students enrolled in the school for that fiscal year by 150;	2807 2808
(b) Compute the special teacher cost by multiplying the quotient obtained under division (D) (2) (a) of this section by the average teacher cost for that fiscal year.	2809 2810 2811
(3) Calculate the school's substitute teacher cost for that fiscal year in accordance with the following formula:	2812 2813
(a) Compute the substitute teacher daily rate with benefits by multiplying the substitute teacher daily rate of \$90 by 1.16;	2814 2815 2816
(b) Compute the substitute teacher cost in accordance with the following formula:	2817 2818
(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	2819 2820 2821
(4) Calculate the school's professional development cost for that fiscal year in accordance with the following formula:	2822 2823
(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	2824 2825 2826 2827
(5) Calculate the school's teacher base cost for that	2828

fiscal year, which equals the sum of divisions (D) (1), (2), (3), 2829
and (4) of this section. 2830

(E) The department shall compute a community or STEM 2831
school's student support base cost for a fiscal year as follows: 2832

The number of students enrolled in the school for that fiscal 2833
year X [(the sum of the student support base cost calculated for 2834
all city, local, and exempted village school districts in the 2835
state for that fiscal year under division (E) of section 2836
3317.011 of the Revised Code) / the sum of the base cost 2837
enrolled ADMs of all of the city, local, and exempted village 2838
school districts in the state for that fiscal year] 2839

(F) The department shall compute a community or STEM 2840
school's leadership and accountability base cost for a fiscal 2841
year as follows: 2842

The number of students enrolled in the school for that fiscal 2843
year X (the sum of the leadership and accountability base cost 2844
calculated for all city, local, and exempted village school 2845
districts in the state for that fiscal year under division (F) 2846
of section 3317.011 of the Revised Code / the sum of the base 2847
cost enrolled ADMs of all of the city, local, and exempted 2848
village school districts in the state for that fiscal year) 2849

(G) The department shall compute a community or STEM 2850
school's building leadership and operations base cost for a 2851
fiscal year as follows: 2852

The number of students enrolled in the school for that fiscal 2853
year X (the sum of the building leadership and accountability 2854
base cost calculated for all city, local, and exempted village 2855
school districts in the state for that fiscal year under 2856
division (G) of section 3317.011 of the Revised Code / the sum 2857

of the base cost enrolled ADMs of all of the city, local, and 2858
exempted village school districts in the state for that fiscal 2859
year) 2860

(H) If a community or STEM school is an eligible community 2861
or STEM school, the department shall compute the school's 2862
athletic co-curricular activities base cost for a fiscal year as 2863
follows: 2864

The number of students enrolled in the school for that fiscal 2865
year X (the amount determined under division (H) (1) of section 2866
3317.011 of the Revised Code / the sum determined under division 2867
(H) (2) of section 3317.011 of the Revised Code) 2868

Sec. 3317.02. As used in this chapter: 2869

(A) "Alternative school" has the same meaning as in 2870
section 3313.974 of the Revised Code. 2871

(B) "Autism scholarship unit" means a unit that consists 2872
of all of the students for whom autism scholarships are awarded 2873
under section 3310.41 of the Revised Code. 2874

(C) For fiscal years 2024 and 2025, a district's "base 2875
cost enrolled ADM" for a fiscal year means the greater of the 2876
following: 2877

(1) The district's enrolled ADM for the previous fiscal 2878
year; 2879

(2) The average of the district's enrolled ADM for the 2880
previous three fiscal years. 2881

(D) (1) "Base cost per pupil" means the following for a 2882
city, local, or exempted village school district: 2883

(a) For fiscal years 2024 and 2025, the aggregate base 2884

cost calculated for that district for that fiscal year under 2885
section 3317.011 of the Revised Code divided by the district's 2886
base cost enrolled ADM for that fiscal year; 2887

(b) For fiscal year 2026 and each fiscal year thereafter, 2888
an amount calculated in a manner determined by the general 2889
assembly. 2890

(2) "Base cost per pupil" means the following for a joint 2891
vocational school district: 2892

(a) For fiscal years 2024 and 2025, the aggregate base 2893
cost calculated for that district for that fiscal year under 2894
section 3317.012 of the Revised Code divided by the district's 2895
base cost enrolled ADM for that fiscal year; 2896

(b) For fiscal year 2026 and each fiscal year thereafter, 2897
an amount calculated in a manner determined by the general 2898
assembly. 2899

(E) (1) "Category one career-technical education ADM" means 2900
the enrollment of students during the school year on a full-time 2901
equivalency basis in career-technical education programs 2902
described in division (A) (1) of section 3317.014 of the Revised 2903
Code and, in the case of a funding unit that is a city, local, 2904
exempted village, or joint vocational school district, certified 2905
under division (B) (11) or (D) (2) (h) of section 3317.03 of the 2906
Revised Code or, in the case of the community and STEM school 2907
unit, reported by all community and STEM schools statewide under 2908
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 2909
and division (D) of section 3326.32 of the Revised Code. 2910

(2) "Category two career-technical education ADM" means 2911
the enrollment of students during the school year on a full-time 2912
equivalency basis in career-technical education programs 2913

described in division (A) (2) of section 3317.014 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) (12) or (D) (2) (i) 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 divisions (B) (4) and (5) of section 3314.08 of the Revised Code and division (D) of section 3326.32 of the Revised Code.

(3) "Category three career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (A) (3) of section 3317.014 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) (13) or (D) (2) (j) 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 divisions (B) (4) and (5) of section 3314.08 of the Revised Code and division (D) of section 3326.32 of the Revised Code.

(4) "Category four career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (A) (4) of section 3317.014 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) (14) or (D) (2) (k) 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 divisions (B) (4) and (5) of section 3314.08 of the Revised Code and division (D) of section 3326.32 of the Revised Code.

(5) "Category five career-technical education ADM" means 2944
the enrollment of students during the school year on a full-time 2945
equivalency basis in career-technical education programs 2946
described in division (A) (5) of section 3317.014 of the Revised 2947
Code and, in the case of a funding unit that is a city, local, 2948
exempted village, or joint vocational school district, certified 2949
under division (B) (15) or (D) (2) (1) of section 3317.03 of the 2950
Revised Code or, in the case of the community and STEM school 2951
unit, reported by all community and STEM schools statewide under 2952
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 2953
and division (D) of section 3326.32 of the Revised Code. 2954

(F) (1) "Category one English learner ADM" means the full- 2955
time equivalent number of English learners described in division 2956
(A) of section 3317.016 of the Revised Code and, in the case of 2957
a funding unit that is a city, local, exempted village, or joint 2958
vocational school district, certified under division (B) (16) or 2959
(D) (2) (m) of section 3317.03 of the Revised Code or, in the case 2960
of the community and STEM school unit, reported by all community 2961
and STEM schools statewide under division (B) (6) of section 2962
3314.08 of the Revised Code and division (E) of section 3326.32 2963
of the Revised Code. 2964

(2) "Category two English learner ADM" means the full-time 2965
equivalent number of English learners described in division (B) 2966
of section 3317.016 of the Revised Code and, in the case of a 2967
funding unit that is a city, local, exempted village, or joint 2968
vocational school district, certified under division (B) (17) or 2969
(D) (2) (n) of section 3317.03 of the Revised Code or, in the case 2970
of the community and STEM school unit, reported by all community 2971
and STEM schools statewide under division (B) (6) of section 2972
3314.08 of the Revised Code and division (E) of section 3326.32 2973
of the Revised Code. 2974

(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. 3006

(3) "Category three special education ADM" means the full- 3007
time equivalent number of students receiving special education 3008
services for those disabilities specified in division (C) of 3009
section 3317.013 of the Revised Code, and, in the case of a 3010
funding unit that is a city, local, exempted village, or joint 3011
vocational school district, certified under division (B)(7) or 3012
(D)(2)(d) of section 3317.03 of the Revised Code or, in the case 3013
of the community and STEM school unit, reported by all community 3014
and STEM schools statewide under division (B)(3) of section 3015
3314.08 of the Revised Code and division (C) of section 3326.32 3016
of the Revised Code. 3017

(4) "Category four special education ADM" means the full- 3018
time equivalent number of students receiving special education 3019
services for those disabilities specified in division (D) of 3020
section 3317.013 of the Revised Code and, in the case of a 3021
funding unit that is a city, local, exempted village, or joint 3022
vocational school district, certified under division (B)(8) or 3023
(D)(2)(e) of section 3317.03 of the Revised Code or, in the case 3024
of the community and STEM school unit, reported by all community 3025
and STEM schools statewide under division (B)(3) of section 3026
3314.08 of the Revised Code and division (C) of section 3326.32 3027
of the Revised Code. 3028

(5) "Category five special education ADM" means the full- 3029
time equivalent number of students receiving special education 3030
services for the disabilities specified in division (E) of 3031
section 3317.013 of the Revised Code and, in the case of a 3032
funding unit that is a city, local, exempted village, or joint 3033
vocational school district, certified under division (B)(9) or 3034
(D)(2)(f) of section 3317.03 of the Revised Code or, in the case 3035

of the community and STEM school unit, reported by all community 3036
and STEM schools statewide under division (B) (3) of section 3037
3314.08 of the Revised Code and division (C) of section 3326.32 3038
of the Revised Code. 3039

(6) "Category six special education ADM" means the full- 3040
time equivalent number of students receiving special education 3041
services for the disabilities specified in division (F) of 3042
section 3317.013 of the Revised Code and, in the case of a 3043
funding unit that is a city, local, exempted village, or joint 3044
vocational school district certified under division (B) (10) or 3045
(D) (2) (g) of section 3317.03 of the Revised Code or, in the case 3046
of the community and STEM school unit, reported by all community 3047
and STEM schools statewide under division (B) (3) of section 3048
3314.08 of the Revised Code and division (C) of section 3326.32 3049
of the Revised Code. 3050

(H) "Community and STEM school unit" means a unit that 3051
consists of all of the students enrolled in community schools 3052
established under Chapter 3314. of the Revised Code and science, 3053
technology, engineering, and mathematics schools established 3054
under Chapter 3326. of the Revised Code. 3055

(I) (1) "Economically disadvantaged index for a school 3056
district" means the following: 3057

(a) For fiscal years 2024 and 2025, the square of the 3058
quotient of that district's percentage of students in its 3059
enrolled ADM who are identified as economically disadvantaged as 3060
defined by the department of education and workforce, divided by 3061
the percentage of students in the statewide ADM identified as 3062
economically disadvantaged. For purposes of this calculation: 3063

(i) For a city, local, or exempted village school 3064

district, the "statewide ADM" equals the sum of the following: 3065

(I) The enrolled ADM for all city, local, and exempted 3066
village school districts combined; 3067

(II) The statewide enrollment of students in community 3068
schools established under Chapter 3314. of the Revised Code; 3069

(III) The statewide enrollment of students in science, 3070
technology, engineering, and mathematics schools established 3071
under Chapter 3326. of the Revised Code. 3072

(ii) For a joint vocational school district, the 3073
"statewide ADM" equals the sum of the enrolled ADM for all joint 3074
vocational school districts combined. 3075

(b) For fiscal year 2026 and each fiscal year thereafter, 3076
an index calculated in a manner determined by the general 3077
assembly. 3078

(2) "Economically disadvantaged index for a community or 3079
STEM school" means the following: 3080

(a) For fiscal years 2024 and 2025, the square of the 3081
quotient of the percentage of students enrolled in the school 3082
who are identified as economically disadvantaged as defined by 3083
the department, divided by the percentage of students in the 3084
statewide ADM identified as economically disadvantaged. For 3085
purposes of this calculation, the "statewide ADM" equals the 3086
"statewide ADM" for city, local, and exempted village school 3087
districts described in division (I) (1) (a) (i) of this section. 3088

(b) For fiscal year 2026 and each fiscal year thereafter, 3089
an index calculated in a manner determined by the general 3090
assembly. 3091

(J) "Educational choice scholarship unit" means a unit 3092

that consists of all of the students for whom educational choice 3093
scholarships are awarded under sections 3310.03 and 3310.032 of 3094
the Revised Code. 3095

(K) "Enrolled ADM" means the following: 3096

(1) For a city, local, or exempted village school 3097
district, the enrollment reported under division (A) of section 3098
3317.03 of the Revised Code, as verified by the department and 3099
adjusted if so ordered under division (K) of that section, and 3100
as further adjusted by the department, as follows: 3101

(a) Add the students described in division (A) (1) (b) of 3102
section 3317.03 of the Revised Code; 3103

(b) Subtract the students counted under divisions (A) (2) 3104
(a), (b), (d), (g), (h), (i), and (j) of section 3317.03 of the 3105
Revised Code; 3106

(c) Count only twenty per cent of the number of joint 3107
vocational school district students counted under division (A) 3108
(3) of section 3317.03 of the Revised Code; 3109

(d) Add twenty per cent of the number of students who are 3110
entitled to attend school in the district under section 3313.64 3111
or 3313.65 of the Revised Code and are enrolled in another 3112
school district under a career-technical education compact; 3113

(e) Add twenty per cent of the number of students 3114
described in division (A) (1) (b) of section 3317.03 of the 3115
Revised Code who enroll in a joint vocational school district or 3116
under a career-technical education compact. 3117

(2) For a joint vocational school district, the final 3118
number verified by the department, based on the enrollment 3119
reported and certified under division (D) of section 3317.03 of 3120

the Revised Code, as adjusted, if so ordered, under division (K) 3121
of that section, and as further adjusted by the department by 3122
adding the students described in division (D) (1) (b) of section 3123
3317.03 of the Revised Code; 3124

(3) For the community and STEM school unit, the sum of the 3125
number of students reported as enrolled in community schools 3126
under divisions (B) (1) and (2) of section 3314.08 of the Revised 3127
Code and the number of students reported as enrolled in STEM 3128
schools under division (A) of section 3326.32 of the Revised 3129
Code; 3130

(4) For the educational choice scholarship unit, the 3131
number of students for whom educational choice scholarships are 3132
awarded under sections 3310.03 and 3310.032 of the Revised Code 3133
as reported under division (A) (2) (g) of section 3317.03 of the 3134
Revised Code; 3135

(5) For the pilot project scholarship unit, the number of 3136
students for whom pilot project scholarships are awarded under 3137
sections 3313.974 to 3313.979 of the Revised Code as reported 3138
under division (A) (2) (b) of section 3317.03 of the Revised Code; 3139

(6) For the autism scholarship unit, the number of 3140
students for whom autism scholarships are awarded under section 3141
3310.41 of the Revised Code as reported under division (A) (2) (h) 3142
of section 3317.03 of the Revised Code; 3143

(7) For the Jon Peterson special needs scholarship unit, 3144
the number of students for whom Jon Peterson special needs 3145
scholarships are awarded under sections 3310.51 to 3310.64 of 3146
the Revised Code as reported under division (A) (2) (h) of section 3147
3317.03 of the Revised Code. 3148

(L) (1) "Formula ADM" means, for a city, local, or exempted 3149

village school district, the enrollment reported under division 3150
(A) of section 3317.03 of the Revised Code, as verified by the 3151
department and adjusted if so ordered under division (K) of that 3152
section, and as further adjusted by the department, as follows: 3153

(a) Count only twenty per cent of the number of joint 3154
vocational school district students counted under division (A) 3155
(3) of section 3317.03 of the Revised Code; 3156

(b) Add twenty per cent of the number of students who are 3157
entitled to attend school in the district under section 3313.64 3158
or 3313.65 of the Revised Code and are enrolled in another 3159
school district under a career-technical education compact. 3160

(2) "Formula ADM" means, for a joint vocational school 3161
district, the final number verified by the department, based on 3162
the enrollment reported and certified under division (D) of 3163
section 3317.03 of the Revised Code, as adjusted, if so ordered, 3164
under division (K) of that section. 3165

(M) "FTE basis" means a count of students based on full- 3166
time equivalency, in accordance with rules adopted by the 3167
department pursuant to section 3317.03 of the Revised Code. In 3168
adopting its rules under this division, the department shall 3169
provide for counting any student in category one, two, three, 3170
four, five, or six special education ADM or in category one, 3171
two, three, four, or five career-technical education ADM in the 3172
same proportion the student is counted in enrolled ADM and 3173
formula ADM. 3174

(N) For fiscal years 2024 and 2025, "funding base" means, 3175
for a city, local, or exempted village school district, the sum 3176
of the following as calculated by the department: 3177

(1) The district's "general funding base," which equals 3178

the amount calculated as follows:	3179
(a) Compute the sum of the following:	3180
(i) The amount calculated for the district for fiscal year 2020 under division (A) (1) of Section 265.220 of H.B. 166 of the 133rd general assembly after any adjustments required under Section 265.227 of H.B. 166 of the 133rd general assembly and prior to any funding reductions authorized by Executive Order 2020-19D, "Implementing Additional Spending Controls to Balance the State Budget" issued on May 7, 2020;	3181 3182 3183 3184 3185 3186 3187
(ii) For fiscal years 2024 and 2025, the district's payments for fiscal year 2020 under divisions (C) (1), (3), and (4) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021.	3188 3189 3190 3191
(b) Subtract from the amount calculated in division (N) (1) (a) of this section the sum of the following:	3192 3193
(i) The following difference:	3194
(The amount paid to the district under division (A) (5) of section 3317.022 of the Revised Code, as that division existed prior to September 30, 2021, for fiscal year 2019) - (the amounts deducted from the district and paid to a community 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)	3195 3196 3197 3198 3199 3200 3201 3202 3203 3204
(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	3205 3206 3207

Revised Code as those divisions existed prior to September 30, 3208
2021, in accordance with division (A) of Section 265.230 of H.B. 3209
166 of the 133rd general assembly; 3210

(iii) The payments deducted from the district and paid to 3211
a science, technology, engineering, and mathematics school for 3212
fiscal year 2020 under divisions (A), (B), (C), (D), (E), (F), 3213
and (G) of section 3326.33 of the Revised Code as those 3214
divisions existed prior to September 30, 2021, in accordance 3215
with division (A) of Section 265.235 of H.B. 166 of the 133rd 3216
general assembly; 3217

(iv) The payments deducted from the district under 3218
division (C) of section 3310.08 of the Revised Code as that 3219
division existed prior to September 30, 2021, division (C) (2) of 3220
section 3310.41 of the Revised Code as that division existed 3221
prior to September 30, 2021, and former section 3310.55 of the 3222
Revised Code for fiscal year 2020 and, in the case of a pilot 3223
project school district as defined in section 3313.975 of the 3224
Revised Code, the funds deducted from the district under Section 3225
265.210 of H.B. 166 of the 133rd general assembly to operate the 3226
pilot project scholarship program for fiscal year 2020 under 3227
sections 3313.974 to 3313.979 of the Revised Code; 3228

(v) For fiscal years 2024 and 2025, the payments 3229
subtracted from the district for fiscal year 2020 under 3230
divisions (B) (1) and (3) of section 3313.981 of the Revised Code 3231
as those divisions existed prior to September 30, 2021. 3232

(2) The district's "disadvantaged pupil impact aid funding 3233
base," which equals the following difference: 3234

(The amount paid to the district under division (A) (5) of 3235
section 3317.022 of the Revised Code, as that division existed 3236

prior to September 30, 2021, for fiscal year 2019) - (the 3237
amounts deducted from the district and paid to a community 3238
school under division (C) (1) (e) of section 3314.08 of the 3239
Revised Code or a science, technology, engineering, and 3240
mathematics school under division (E) of section 3326.33 of the 3241
Revised Code as those divisions existed prior to September 30, 3242
2021, for fiscal year 2020 in accordance with division (A) of 3243
Section 265.235 of H.B. 166 of the 133rd general assembly) 3244

(O) For fiscal years 2024 and 2025, "funding base" means, 3245
for a joint vocational school district, the sum of the following 3246
as calculated by the department: 3247

(1) The district's "general funding base," which equals 3248
the amount calculated as follows: 3249

(a) Compute the sum of the following: 3250

(i) The district's payments for fiscal year 2020 under 3251
Section 265.225 of H.B. 166 of the 133rd general assembly after 3252
any adjustments required under Section 265.227 of H.B. 166 of 3253
the 133rd general assembly; 3254

(ii) For fiscal years 2024 and 2025, the district's 3255
payments for fiscal year 2020 under divisions (D) (1) and (2) of 3256
section 3313.981 of the Revised Code as those divisions existed 3257
prior to September 30, 2021. 3258

(b) Subtract from the amount paid to the district under 3259
division (A) (3) of section 3317.16 of the Revised Code, as that 3260
division existed prior to September 30, 2021, for fiscal year 3261
2019. 3262

(2) The district's "disadvantaged pupil impact aid funding 3263
base," which equals the amount paid to the district under 3264
division (A) (3) of section 3317.16 of the Revised Code, as that 3265

division existed prior to September 30, 2021, for fiscal year 2019. 3266
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(P) For fiscal years 2024 and 2025, "funding base" for a community school means the following: 3268
3269

(1) For a community school that was in operation for the entirety of fiscal year 2020, the amount paid to the school for that fiscal year under division (C) (1) of section 3314.08 of the Revised Code as that division existed prior to September 30, 2021, in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd general assembly and the amount, if any, paid to the school for that fiscal year under section 3314.085 of the Revised Code in accordance with division (B) of Section 265.230 of H.B. 166 of the 133rd general assembly; 3270
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(2) For a community school that was in operation for part of fiscal year 2020, the amount that would have been paid to the school for that fiscal year under division (C) (1) of section 3314.08 of the Revised Code as that division existed prior to September 30, 2021, in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd general assembly if the school had been in operation for the entirety of that fiscal year, as calculated by the department, and the amount that would have been paid to the school for that fiscal year under section 3314.085 of the Revised Code in accordance with division (B) of Section 265.230 of H.B. 166 of the 133rd general assembly, if any, if the school had been in operation for the entirety of that fiscal year, as calculated by the department; 3279
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(3) For a community school that was not in operation for fiscal year 2020, the amount that would have been paid to the school if it was in operation for that school year under division (C) (1) of section 3314.08 of the Revised Code as that 3292
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division existed prior to September 30, 2021, in accordance with 3296
division (A) of Section 265.230 of H.B. 166 of the 133rd general 3297
assembly if the school had been in operation for the entirety of 3298
that fiscal year, as calculated by the department, and the 3299
amount that would have been paid to the school for that fiscal 3300
year under section 3314.085 of the Revised Code in accordance 3301
with division (B) of Section 265.230 of H.B. 166 of the 133rd 3302
general assembly, if any, if the school had been in operation 3303
for the entirety of that fiscal year, as calculated by the 3304
department. 3305

(Q) For fiscal years 2024 and 2025, "funding base" for a 3306
STEM school means the following: 3307

(1) For a science, technology, engineering, and 3308
mathematics school that was in operation for the entirety of 3309
fiscal year 2020, the amount paid to the school for that fiscal 3310
year under section 3326.33 of the Revised Code as that section 3311
existed prior to September 30, 2021, in accordance with division 3312
(A) of Section 265.235 of H.B. 166 of the 133rd general assembly 3313
and the amount, if any, paid to the school for that fiscal year 3314
under section 3326.41 of the Revised Code in accordance with 3315
division (B) of Section 265.235 of H.B. 166 of the 133rd general 3316
assembly; 3317

(2) For a science, technology, engineering, and 3318
mathematics school that was in operation for part of fiscal year 3319
2020, the amount that would have been paid to the school for 3320
that fiscal year under section 3326.33 of the Revised Code as 3321
that section existed prior to September 30, 2021, in accordance 3322
with division (A) of Section 265.235 of H.B. 166 of the 133rd 3323
general assembly if the school had been in operation for the 3324
entirety of that fiscal year, as calculated by the department, 3325

and the amount that would have been paid to the school for that 3326
fiscal year under section 3326.41 of the Revised Code in 3327
accordance with division (B) of Section 265.235 of H.B. 166 of 3328
the 133rd general assembly, if any, if the school had been in 3329
operation for the entirety of that fiscal year, as calculated by 3330
the department; 3331

(3) For a science, technology, engineering, and 3332
mathematics school that was not in operation for fiscal year 3333
2020, the amount that would have been paid to the school if it 3334
was in operation for that school year under section 3326.33 of 3335
the Revised Code as that section existed prior to September 30, 3336
2021, in accordance with division (A) of Section 265.235 of H.B. 3337
166 of the 133rd general assembly if the school had been in 3338
operation for the entirety of that fiscal year, as calculated by 3339
the department, and the amount that would have been paid to the 3340
school for that fiscal year under section 3326.41 of the Revised 3341
Code in accordance with division (B) of Section 265.235 of H.B. 3342
166 of the 133rd general assembly, if any, if the school had 3343
been in operation for the entirety of that fiscal year, as 3344
calculated by the department. 3345

(R) "Funding unit" means any of the following: 3346

(1) A city, local, exempted village, or joint vocational 3347
school district; 3348

(2) The community and STEM school unit; 3349

(3) The educational choice scholarship unit; 3350

(4) The pilot project scholarship unit; 3351

(5) The autism scholarship unit; 3352

(6) The Jon Peterson special needs scholarship unit. 3353

(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.

(T) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.

(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."

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

(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.

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

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

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

(a) The child is identified as having a medical condition 3383
that is among those listed by the department as conditions where 3384
a substantial majority of cases fall within the definition of 3385
"medically fragile child." 3386

(b) The child is determined by the department to be a 3387
medically fragile child. A school district superintendent may 3388
petition the department for a determination that a child is a 3389
medically fragile child. 3390

(2) A child may be identified as having an "other health 3391
impairment-minor" if the child's condition meets the definition 3392
of "other health impaired" established in rules previously 3393
adopted by the department but the child's condition does not 3394
meet either of the conditions specified in division (W) (1) (a) or 3395
(b) of this section. 3396

(X) (1) For fiscal years 2024 and 2025, a city, local, 3397
exempted village, or joint vocational school district's, 3398
community school's, or STEM school's "general phase-in 3399
percentage" is equal to the percentage for that fiscal year that 3400
is determined by the general assembly. 3401

(2) For fiscal years 2024 and 2025, a city, local, 3402
exempted village, or joint vocational school district's "phase- 3403
in percentage for disadvantaged pupil impact aid" is equal to 3404
the percentage for that fiscal year that is determined by the 3405
general assembly. 3406

(Y) "Pilot project scholarship unit" means a unit that 3407
consists of all of the students for whom pilot project 3408
scholarships are awarded under sections 3313.974 to 3313.979 of 3409
the Revised Code. 3410

~~(Z)~~ (Z) (1) "Preschool child with a disability" means a 3411

child with a disability, as defined in section 3323.01 of the Revised Code, who is at least age three but is not of compulsory school age, as defined in section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.

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

(AA) "Related services" includes:

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

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

(3) Any related service not specifically covered by other state funds but specified in federal law, including but not limited to, audiology and school psychological services;

(4) Any service included in units funded under former division (O) (1) of section 3317.024 of the Revised Code;

(5) Any other related service needed by children with disabilities in accordance with their individualized education programs.

(BB) "School district," unless otherwise specified, means city, local, and exempted village school districts.

(CC) "Separately educated student with a disability" has	3440
the same meaning as in section 3313.974 of the Revised Code.	3441
(DD) "State education aid" has the same meaning as in	3442
section 5751.20 of the Revised Code.	3443
(EE) (1) "State share percentage" means the following for a	3444
city, local, or exempted village school district:	3445
(a) For fiscal years 2024 and 2025, the state share	3446
percentage calculated under section 3317.017 of the Revised	3447
Code;	3448
(b) For fiscal year 2026 and each fiscal year thereafter,	3449
a percentage calculated in a manner determined by the general	3450
assembly.	3451
(2) "State share percentage" means the following for a	3452
joint vocational school district:	3453
(a) For fiscal years 2024 and 2025, the percentage	3454
calculated in accordance with the following formula:	3455
The amount computed for the district under division (A) (1) of	3456
section 3317.16 of the Revised Code for that fiscal year / the	3457
aggregate base cost calculated for the district for that fiscal	3458
year under section 3317.012 of the Revised Code	3459
(b) For fiscal year 2026 and each fiscal year thereafter,	3460
a percentage calculated in a manner determined by the general	3461
assembly.	3462
(FF) "Statewide average base cost per pupil" means the	3463
following:	3464
(1) For fiscal years 2024 and 2025, the statewide average	3465
base cost per pupil calculated under division (A) of section	3466

3317.018 of the Revised Code; 3467

(2) For fiscal year 2026 and each fiscal year thereafter, 3468
an amount calculated in a manner determined by the general 3469
assembly. 3470

(GG) "Statewide average career-technical base cost per 3471
pupil" means the following: 3472

(1) For fiscal years 2024 and 2025, the statewide average 3473
career-technical base cost per pupil calculated under division 3474
(B) of section 3317.018 of the Revised Code; 3475

(2) For fiscal year 2026 and each fiscal year thereafter, 3476
an amount calculated in a manner determined by the general 3477
assembly. 3478

(HH) "STEM school" means a science, technology, 3479
engineering, and mathematics school established under Chapter 3480
3326. of the Revised Code. 3481

(II) "Taxes charged and payable" means the taxes charged 3482
and payable against real and public utility property after 3483
making the reduction required by section 319.301 of the Revised 3484
Code, plus the taxes levied against tangible personal property. 3485

(JJ) For purposes of sections 3317.017 and 3317.16 of the 3486
Revised Code, "three-year average valuation" for a fiscal year 3487
means the average of total taxable value for the three most 3488
recent tax years for which data is available, as certified under 3489
section 3317.021 of the Revised Code. 3490

(KK) "Total ADM" means, for a city, local, or exempted 3491
village school district, the enrollment reported under division 3492
(A) of section 3317.03 of the Revised Code minus the enrollment 3493
reported under divisions (A) (2) (a), (b), (g), (h), and (i) of 3494

that section, as verified by the department and adjusted if so 3495
ordered under division (K) of that section. 3496

(LL) "Total special education ADM" means the sum of 3497
categories one through six special education ADM. 3498

(MM) "Total taxable value" means the sum of the amounts 3499
certified for a city, local, exempted village, or joint 3500
vocational school district under divisions (A) (1) and (2) of 3501
section 3317.021 of the Revised Code. 3502

(NN) "Tuition discount" means any deduction from the base 3503
tuition amount per student charged by a chartered nonpublic 3504
school, to which the student's family is entitled due to one or 3505
more of the following conditions: 3506

(1) The student's family has multiple children enrolled in 3507
the same school. 3508

(2) The student's family is a member of or affiliated with 3509
a religious or secular organization that provides oversight of 3510
the school or from which the school has agreed to enroll 3511
students. 3512

(3) The student's parent is an employee of the school. 3513

(4) Some other qualification not based on the income of 3514
the student's family or the student's athletic or academic 3515
ability and for which all students in the school may qualify. 3516

Sec. 3317.0213. (A) The department of education and 3517
workforce shall compute and pay in accordance with this section 3518
additional state aid for preschool children with disabilities ~~to~~ 3519
~~each city, local, and exempted village school district and to~~ 3520
each institution, as defined in section 3323.091 of the Revised 3521
Code. Funding shall be provided for children who are not 3522

enrolled in kindergarten and who are under age six on the 3523
thirtieth day of September of the academic year, or on the first 3524
day of August of the academic year if the school district in 3525
which the child is enrolled has adopted a resolution under 3526
division (A) (3) of section 3321.01 of the Revised Code, but not 3527
less than age three on the first day of December of the academic 3528
year. 3529

For fiscal years 2024 and 2025, the additional state aid 3530
shall be calculated under the following formula: 3531

(\$4,000 X the number of students who are preschool 3532
children with disabilities) + the sum of the following: 3533

(1) The ~~district's or~~ institution's category one special 3534
education students who are preschool children with disabilities 3535
X the multiple specified in division (A) of section 3317.013 of 3536
the Revised Code X the statewide average base cost per pupil for 3537
that fiscal year X the district's state share percentage X 0.50; 3538

(2) The ~~district's or~~ institution's category two special 3539
education students who are preschool children with disabilities 3540
X the multiple specified in division (B) of section 3317.013 of 3541
the Revised Code X the statewide average base cost per pupil for 3542
that fiscal year X the district's state share percentage X 0.50; 3543

(3) The ~~district's or~~ institution's category three special 3544
education students who are preschool children with disabilities 3545
X the multiple specified in division (C) of section 3317.013 of 3546
the Revised Code X the statewide average base cost per pupil for 3547
that fiscal year X the district's state share percentage X 0.50; 3548

(4) The ~~district's or~~ institution's category four special 3549
education students who are preschool children with disabilities 3550
X the multiple specified in division (D) of section 3317.013 of 3551

the Revised Code X the statewide average base cost per pupil for 3552
that fiscal year X the district's state share percentage X 0.50; 3553

(5) The ~~district's or~~ institution's category five special 3554
education students who are preschool children with disabilities 3555
X the multiple specified in division (E) of section 3317.013 of 3556
the Revised Code X the statewide average base cost per pupil for 3557
that fiscal year X the district's state share percentage X 0.50; 3558

(6) The ~~district's or~~ institution's category six special 3559
education students who are preschool children with disabilities 3560
X the multiple specified in division (F) of section 3317.013 of 3561
the Revised Code X the statewide average base cost per pupil for 3562
that fiscal year X the district's state share percentage X 0.50. 3563

For fiscal year 2026 and each fiscal year thereafter, the 3564
additional state aid shall be calculated for each category of 3565
special education students who are preschool children with 3566
disabilities using a formula specified by the general assembly. 3567

The special education disability categories for preschool 3568
children used in this section are the same categories prescribed 3569
in section 3317.013 of the Revised Code. 3570

As used in division (A) of this section, the state share 3571
percentage of a student enrolled in an institution is the state 3572
share percentage of the school district in which the student is 3573
entitled to attend school under section 3313.64 or 3313.65 of 3574
the Revised Code. 3575

(B) If an educational service center is providing services 3576
to students who are preschool children with disabilities under 3577
agreement with the city, local, or exempted village school 3578
district in which the students are entitled to attend school, 3579
that district may authorize the department to transfer funds 3580

computed under this section to the service center providing 3581
those services. 3582

(C) If a county DD board is providing services to students 3583
who are preschool children with disabilities under agreement 3584
with the city, local, or exempted village school district in 3585
which the students are entitled to attend school, the department 3586
shall deduct from the district's payment computed under division 3587
(A) of this section the total amount of those funds that are 3588
attributable to the students served by the county DD board and 3589
pay that amount to that board. 3590

Sec. 3317.03. (A) The superintendent of each city, local, 3591
and exempted village school district shall report to the 3592
department of education and workforce as of the last day of 3593
October, March, and June of each year the enrollment of students 3594
receiving services from schools under the superintendent's 3595
supervision, and the numbers of other students entitled to 3596
attend school in the district under section 3313.64 or 3313.65 3597
of the Revised Code the superintendent is required to report 3598
under this section, so that the department can calculate the 3599
district's enrolled ADM, formula ADM, total ADM, category one 3600
through five career-technical education ADM, category one 3601
through three English learner ADM, category one through six 3602
special education ADM, transportation ADM, and, for purposes of 3603
provisions of law outside of Chapter 3317. of the Revised Code, 3604
average daily membership. 3605

(1) The enrollment reported by the superintendent during 3606
the reporting period shall consist of the sum of the number of 3607
students in grades kindergarten through twelve receiving any 3608
educational services from the district and the number of 3609
students enrolled in the district's preschool program who reside 3610

in the district, except that the following categories of 3611
students shall not be included in the determination: 3612

(a) Students enrolled in adult education classes; 3613

(b) Adjacent or other district students enrolled in the 3614
district under an open enrollment policy pursuant to section 3615
3313.98 of the Revised Code; 3616

(c) Students receiving services in the district pursuant 3617
to a compact, cooperative education agreement, or a contract, 3618
but who are entitled to attend school in another district 3619
pursuant to section 3313.64 or 3313.65 of the Revised Code; 3620

(d) Students for whom tuition is payable pursuant to 3621
sections 3317.081 and 3323.141 of the Revised Code; 3622

(e) Students receiving services in the district through a 3623
scholarship awarded under either section 3310.41 or sections 3624
3310.51 to 3310.64 of the Revised Code. 3625

When reporting students under division (A)(1) of this 3626
section, the superintendent also shall report the district where 3627
each student is entitled to attend school pursuant to sections 3628
3313.64 and 3313.65 of the Revised Code. 3629

(2) The department shall compile a list of all students 3630
reported to be enrolled in a district under division (A)(1) of 3631
this section and of the students entitled to attend school in 3632
the district pursuant to section 3313.64 or 3313.65 of the 3633
Revised Code on an FTE basis but receiving educational services 3634
in grades kindergarten through twelve from one or more of the 3635
following entities: 3636

(a) A community school pursuant to Chapter 3314. of the 3637
Revised Code, including any participation in a college pursuant 3638

to Chapter 3365. of the Revised Code while enrolled in such 3639
community school; 3640

(b) An alternative school pursuant to sections 3313.974 to 3641
3313.979 of the Revised Code; 3642

(c) A college pursuant to Chapter 3365. of the Revised 3643
Code, except when the student is enrolled in the college while 3644
also enrolled in a community school pursuant to Chapter 3314., a 3645
science, technology, engineering, and mathematics school 3646
established under Chapter 3326., or a college-preparatory 3647
boarding school established under Chapter 3328. of the Revised 3648
Code; 3649

(d) An adjacent or other school district under an open 3650
enrollment policy adopted pursuant to section 3313.98 of the 3651
Revised Code; 3652

(e) An educational service center or cooperative education 3653
district; 3654

(f) Another school district under a cooperative education 3655
agreement, compact, or contract; 3656

(g) A chartered nonpublic school with a scholarship paid 3657
under section 3317.022 of the Revised Code, if the students 3658
qualified for the scholarship under section 3310.03 or 3310.032 3659
of the Revised Code; 3660

(h) An alternative public provider or a registered private 3661
provider with a scholarship awarded under either section 3310.41 3662
or sections 3310.51 to 3310.64 of the Revised Code. 3663

As used in this section, "alternative public provider" and 3664
"registered private provider" have the same meanings as in 3665
section 3310.41 or 3310.51 of the Revised Code, as applicable. 3666

(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) 3696
(1) or (2), including any student described in division (A) (1) 3697
(b) of this section and excluding any student reported under 3698
divisions (A) (2) (a), (b), (d), (g), (h), (i), and (j) of this 3699
section, of this section for each of the individual grades 3700
kindergarten through twelve in schools under the 3701
superintendent's supervision; 3702

(b) The total enrollment of students in the district's 3703
preschool program who reside in the district. 3704

(2) The unduplicated count of the number of preschool 3705
children with disabilities enrolled in the district for whom the 3706
district is eligible to receive funding under section 3317.0213 3707
of the Revised Code adjusted for the portion of the year each 3708
child is so enrolled, in accordance with the disability 3709
categories prescribed in section 3317.013 of the Revised Code; 3710

(3) The number of children entitled to attend school in 3711
the district pursuant to section 3313.64 or 3313.65 of the 3712
Revised Code who are: 3713

(a) Enrolled in a college under Chapter 3365. of the 3714
Revised Code, except when the student is enrolled in the college 3715
while also enrolled in a community school pursuant to Chapter 3716
3314. of the Revised Code, a science, technology, engineering, 3717
and mathematics school established under Chapter 3326., or a 3718
college-preparatory boarding school established under Chapter 3719
3328. of the Revised Code; 3720

(b) Participating in a program operated by a county board 3721
of developmental disabilities or a state institution. 3722

(4) The total enrollment of pupils in joint vocational 3723
schools; 3724

(5) The combined enrollment of children with disabilities 3725
reported under division (A)(1) or (2) of this section, including 3726
any student described in division (A)(1)(b) of this section and 3727
excluding any student reported under divisions (A)(2)(a), (b), 3728
(d), (g), (h), (i), and (j) of this section, receiving special 3729
education services for the category one disability described in 3730
division (A) of section 3317.013 of the Revised Code, including 3731
children attending a special education program operated by an 3732
alternative public provider or a registered private provider 3733
with a scholarship awarded under sections 3310.51 to 3310.64 of 3734
the Revised Code; 3735

(6) The combined enrollment of children with disabilities 3736
reported under division (A)(1) or (2) of this section, including 3737
any student described in division (A)(1)(b) of this section and 3738
excluding any student reported under divisions (A)(2)(a), (b), 3739
(d), (g), (h), (i), and (j) of this section, receiving special 3740
education services for category two disabilities described in 3741
division (B) of section 3317.013 of the Revised Code, including 3742
children attending a special education program operated by an 3743
alternative public provider or a registered private provider 3744
with a scholarship awarded under sections 3310.51 to 3310.64 of 3745
the Revised Code; 3746

(7) The combined enrollment of children with disabilities 3747
reported under division (A)(1) or (2) of this section, including 3748
any student described in division (A)(1)(b) of this section and 3749
excluding any student reported under divisions (A)(2)(a), (b), 3750
(d), (g), (h), (i), and (j) of this section, receiving special 3751
education services for category three disabilities described in 3752
division (C) of section 3317.013 of the Revised Code, including 3753
children attending a special education program operated by an 3754
alternative public provider or a registered private provider 3755

with a scholarship awarded under sections 3310.51 to 3310.64 of 3756
the Revised Code; 3757

(8) The combined enrollment of children with disabilities 3758
reported under division (A)(1) or (2) of this section, including 3759
any student described in division (A)(1)(b) of this section and 3760
excluding any student reported under divisions (A)(2)(a), (b), 3761
(d), (g), (h), (i), and (j) of this section, receiving special 3762
education services for category four disabilities described in 3763
division (D) of section 3317.013 of the Revised Code, including 3764
children attending a special education program operated by an 3765
alternative public provider or a registered private provider 3766
with a scholarship awarded under sections 3310.51 to 3310.64 of 3767
the Revised Code; 3768

(9) The combined enrollment of children with disabilities 3769
reported under division (A)(1) or (2) of this section, including 3770
any student described in division (A)(1)(b) of this section and 3771
excluding any student reported under divisions (A)(2)(a), (b), 3772
(d), (g), (h), (i), and (j) of this section, receiving special 3773
education services for the category five disabilities described 3774
in division (E) of section 3317.013 of the Revised Code, 3775
including children attending a special education program 3776
operated by an alternative public provider or a registered 3777
private provider with a scholarship awarded under sections 3778
3310.51 to 3310.64 of the Revised Code; 3779

(10) The combined enrollment of children with disabilities 3780
reported under division (A)(1) or (2) of this section, including 3781
any student described in division (A)(1)(b) of this section and 3782
excluding any student reported under divisions (A)(2)(a), (b), 3783
(d), (g), (h), (i), and (j) of this section, receiving special 3784
education services for category six disabilities described in 3785

division (F) of section 3317.013 of the Revised Code, including 3786
children attending a special education program operated by an 3787
alternative public provider or a registered private provider 3788
with a scholarship awarded under either section 3310.41 or 3789
sections 3310.51 to 3310.64 of the Revised Code; 3790

(11) The enrollment of pupils reported under division (A) 3791
(1) or (2) of this section on a full-time equivalency basis, 3792
including any student described in division (A)(1)(b) of this 3793
section and excluding any student reported under divisions (A) 3794
(2)(a), (b), (d), (g), (h), (i), and (j) of this section, in 3795
category one career-technical education programs or classes, 3796
described in division (A)(1) of section 3317.014 of the Revised 3797
Code, operated by the school district or by another district 3798
that is a member of the district's career-technical planning 3799
district, other than a joint vocational school district, or by 3800
an educational service center, notwithstanding division (M) of 3801
section 3317.02 of the Revised Code and division (C)(3) of this 3802
section; 3803

(12) The enrollment of pupils reported under division (A) 3804
(1) or (2) of this section on a full-time equivalency basis, 3805
including any student described in division (A)(1)(b) of this 3806
section and excluding any student reported under divisions (A) 3807
(2)(a), (b), (d), (g), (h), (i), and (j) of this section, in 3808
category two career-technical education programs or services, 3809
described in division (A)(2) of section 3317.014 of the Revised 3810
Code, operated by the school district or another school district 3811
that is a member of the district's career-technical planning 3812
district, other than a joint vocational school district, or by 3813
an educational service center, notwithstanding division (M) of 3814
section 3317.02 of the Revised Code and division (C)(3) of this 3815
section; 3816

(13) The enrollment of pupils reported under division (A) 3817
(1) or (2) of this section on a full-time equivalency basis, 3818
including any student described in division (A)(1)(b) of this 3819
section and excluding any student reported under divisions (A) 3820
(2)(a), (b), (d), (g), (h), (i), and (j) of this section, in 3821
category three career-technical education programs or services, 3822
described in division (A)(3) of section 3317.014 of the Revised 3823
Code, operated by the school district or another school district 3824
that is a member of the district's career-technical planning 3825
district, other than a joint vocational school district, or by 3826
an educational service center, notwithstanding division (M) of 3827
section 3317.02 of the Revised Code and division (C)(3) of this 3828
section; 3829

(14) The enrollment of pupils reported under division (A) 3830
(1) or (2) of this section on a full-time equivalency basis, 3831
including any student described in division (A)(1)(b) of this 3832
section and excluding any student reported under divisions (A) 3833
(2)(a), (b), (d), (g), (h), (i), and (j) of this section, in 3834
category four career-technical education programs or services, 3835
described in division (A)(4) of section 3317.014 of the Revised 3836
Code, operated by the school district or another school district 3837
that is a member of the district's career-technical planning 3838
district, other than a joint vocational school district, or by 3839
an educational service center, notwithstanding division (M) of 3840
section 3317.02 of the Revised Code and division (C)(3) of this 3841
section; 3842

(15) The enrollment of pupils reported under division (A) 3843
(1) or (2) of this section on a full-time equivalency basis, 3844
including any student described in division (A)(1)(b) of this 3845
section and excluding any student reported under divisions (A) 3846
(2)(a), (b), (d), (g), (h), (i), and (j) of this section, in 3847

category five career-technical education programs or services, 3848
described in division (A) (5) of section 3317.014 of the Revised 3849
Code, operated by the school district or another school district 3850
that is a member of the district's career-technical planning 3851
district, other than a joint vocational school district, or by 3852
an educational service center, notwithstanding division (M) of 3853
section 3317.02 of the Revised Code and division (C) (3) of this 3854
section; 3855

(16) The enrollment of pupils reported under division (A) 3856
(1) or (2) of this section who are English learners described in 3857
division (A) of section 3317.016 of the Revised Code, including 3858
any student described in division (A) (1) (b) of this section and 3859
excluding any student reported under divisions (A) (2) (a), (b), 3860
(d), (g), (h), (i), and (j) of this section; 3861

(17) The enrollment of pupils reported under division (A) 3862
(1) or (2) of this section who are English learners described in 3863
division (B) of section 3317.016 of the Revised Code, including 3864
any student described in division (A) (1) (b) of this section and 3865
excluding any student reported under divisions (A) (2) (a), (b), 3866
(d), (g), (h), (i), and (j) of this section; 3867

(18) The enrollment of pupils reported under division (A) 3868
(1) or (2) of this section who are English learners described in 3869
division (C) of section 3317.016 of the Revised Code, including 3870
any student described in division (A) (1) (b) of this section and 3871
excluding any student reported under divisions (A) (2) (a), (b), 3872
(d), (g), (h), (i), and (j) of this section; 3873

(19) The average number of children transported during the 3874
reporting period by the school district on board-owned or 3875
contractor-owned and -operated buses, reported in accordance 3876
with rules adopted by the department; 3877

(20) (a) The number of children, other than preschool 3878
children with disabilities, the district placed with a county 3879
board of developmental disabilities in fiscal year 1998. 3880
Division (B) (20) (a) of this section does not apply after fiscal 3881
year 2013. 3882

(b) The number of children with disabilities, other than 3883
preschool children with disabilities, placed with a county board 3884
of developmental disabilities in the current fiscal year to 3885
receive special education services for the category one 3886
disability described in division (A) of section 3317.013 of the 3887
Revised Code; 3888

(c) The number of children with disabilities, other than 3889
preschool children with disabilities, placed with a county board 3890
of developmental disabilities in the current fiscal year to 3891
receive special education services for category two disabilities 3892
described in division (B) of section 3317.013 of the Revised 3893
Code; 3894

(d) The number of children with disabilities, other than 3895
preschool children with disabilities, placed with a county board 3896
of developmental disabilities in the current fiscal year to 3897
receive special education services for category three 3898
disabilities described in division (C) of section 3317.013 of 3899
the Revised Code; 3900

(e) The number of children with disabilities, other than 3901
preschool children with disabilities, placed with a county board 3902
of developmental disabilities in the current fiscal year to 3903
receive special education services for category four 3904
disabilities described in division (D) of section 3317.013 of 3905
the Revised Code; 3906

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

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

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

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

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

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

3328. of the Revised Code shall be counted in the formula ADM of 3936
the school district in which the student is entitled to attend 3937
school under section 3313.64 or 3313.65 of the Revised Code for 3938
the same proportion of the school year that the student is 3939
counted in the enrollment of the community school, the science, 3940
technology, engineering, and mathematics school, or the college- 3941
preparatory boarding school for purposes of section 3317.022 or 3942
3328.24 of the Revised Code. Notwithstanding the enrollment of 3943
students reported pursuant to division (A)(2)(a), (i), or (j) of 3944
this section, the department may adjust the formula ADM of a 3945
school district to account for students entitled to attend 3946
school in the district under section 3313.64 or 3313.65 of the 3947
Revised Code who are enrolled in a community school, a science, 3948
technology, engineering, and mathematics school, or a college- 3949
preparatory boarding school for only a portion of the school 3950
year. 3951

(3) No child shall be counted as more than a total of one 3952
child in the sum of the enrollment of students of a school 3953
district under division (A), divisions (B)(1) to (22), or 3954
division (D) of this section, except as follows: 3955

(a)(i) A child with a disability described in section 3956
3317.013 of the Revised Code may be counted both in formula ADM 3957
and in category one, two, three, four, five, or six special 3958
education ADM and, if applicable, in category one, two, three, 3959
four, or five career-technical education ADM. As provided in 3960
division (M) of section 3317.02 of the Revised Code, such a 3961
child shall be counted in category one, two, three, four, five, 3962
or six special education ADM in the same proportion that the 3963
child is counted in formula ADM. 3964

(ii) A child with a disability described in section 3965

3317.013 of the Revised Code may be counted both in enrolled ADM 3966
and in category one, two, three, four, five, or six special 3967
education ADM and, if applicable, in category one, two, three, 3968
four, or five career-technical education ADM. As provided in 3969
division (M) of section 3317.02 of the Revised Code, such a 3970
child shall be counted in category one, two, three, four, five, 3971
or six special education ADM in the same proportion that the 3972
child is counted in enrolled ADM. 3973

(b) (i) A child enrolled in career-technical education 3974
programs or classes described in section 3317.014 of the Revised 3975
Code may be counted both in formula ADM and category one, two, 3976
three, four, or five career-technical education ADM and, if 3977
applicable, in category one, two, three, four, five, or six 3978
special education ADM. Such a child shall be counted in category 3979
one, two, three, four, or five career-technical education ADM in 3980
the same proportion as the percentage of time that the child 3981
spends in the career-technical education programs or classes. 3982

(ii) A child enrolled in career-technical education 3983
programs or classes described in section 3317.014 of the Revised 3984
Code may be counted both in enrolled ADM and category one, two, 3985
three, four, or five career-technical education ADM and, if 3986
applicable, in category one, two, three, four, five, or six 3987
special education ADM. Such a child shall be counted in category 3988
one, two, three, four, or five career-technical education ADM in 3989
the same proportion as the percentage of time that the child 3990
spends in the career-technical education programs or classes. 3991

(4) Based on the information reported under this section, 3992
the department shall determine the total student count, as 3993
defined in section 3301.011 of the Revised Code, for each school 3994
district. 3995

(D) (1) The superintendent of each joint vocational school 3996
district shall report and certify to the department as of the 3997
last day of October, March, and June of each year the enrollment 3998
of students receiving services from schools under the 3999
superintendent's supervision so that the department can 4000
calculate the district's enrolled ADM, formula ADM, total ADM, 4001
category one through five career-technical education ADM, 4002
category one through three English learner ADM, category one 4003
through six special education ADM, and for purposes of 4004
provisions of law outside of Chapter 3317. of the Revised Code, 4005
average daily membership. 4006

The enrollment reported and certified by the 4007
superintendent, except as otherwise provided in this division, 4008
shall consist of the number of students in grades six through 4009
twelve receiving any educational services from the district, 4010
except that the following categories of students shall not be 4011
included in the determination: 4012

(a) Students enrolled in adult education classes; 4013

(b) Adjacent or other district joint vocational students 4014
enrolled in the district under an open enrollment policy 4015
pursuant to section 3313.98 of the Revised Code; 4016

(c) Students receiving services in the district pursuant 4017
to a compact, cooperative education agreement, or a contract, 4018
but who are entitled to attend school in a city, local, or 4019
exempted village school district whose territory is not part of 4020
the territory of the joint vocational district; 4021

(d) Students for whom tuition is payable pursuant to 4022
sections 3317.081 and 3323.141 of the Revised Code. 4023

(2) To enable the department to obtain the data needed to 4024

complete the calculation of payments pursuant to this chapter, 4025
each superintendent shall certify from the report provided under 4026
division (D) (1) of this section the enrollment for each of the 4027
following categories of students: 4028

(a) Students enrolled in each individual grade included in 4029
the joint vocational district schools, including any student 4030
described in division (D) (1) (b) of this section; 4031

(b) Children with disabilities receiving special education 4032
services for the category one disability described in division 4033
(A) of section 3317.013 of the Revised Code, including any 4034
student described in division (D) (1) (b) of this section; 4035

(c) Children with disabilities receiving special education 4036
services for the category two disabilities described in division 4037
(B) of section 3317.013 of the Revised Code, including any 4038
student described in division (D) (1) (b) of this section; 4039

(d) Children with disabilities receiving special education 4040
services for category three disabilities described in division 4041
(C) of section 3317.013 of the Revised Code, including any 4042
student described in division (D) (1) (b) of this section; 4043

(e) Children with disabilities receiving special education 4044
services for category four disabilities described in division 4045
(D) of section 3317.013 of the Revised Code, including any 4046
student described in division (D) (1) (b) of this section; 4047

(f) Children with disabilities receiving special education 4048
services for the category five disabilities described in 4049
division (E) of section 3317.013 of the Revised Code, including 4050
any student described in division (D) (1) (b) of this section; 4051

(g) Children with disabilities receiving special education 4052
services for category six disabilities described in division (F) 4053

of section 3317.013 of the Revised Code, including any student	4054
described in division (D) (1) (b) of this section;	4055
(h) Students receiving category one career-technical	4056
education services, described in division (A) (1) of section	4057
3317.014 of the Revised Code, including any student described in	4058
division (D) (1) (b) of this section;	4059
(i) Students receiving category two career-technical	4060
education services, described in division (A) (2) of section	4061
3317.014 of the Revised Code, including any student described in	4062
division (D) (1) (b) of this section;	4063
(j) Students receiving category three career-technical	4064
education services, described in division (A) (3) of section	4065
3317.014 of the Revised Code, including any student described in	4066
division (D) (1) (b) of this section;	4067
(k) Students receiving category four career-technical	4068
education services, described in division (A) (4) of section	4069
3317.014 of the Revised Code, including any student described in	4070
division (D) (1) (b) of this section;	4071
(l) Students receiving category five career-technical	4072
education services, described in division (A) (5) of section	4073
3317.014 of the Revised Code, including any student described in	4074
division (D) (1) (b) of this section;	4075
(m) English learners described in division (A) of section	4076
3317.016 of the Revised Code, including any student described in	4077
division (D) (1) (b) of this section;	4078
(n) English learners described in division (B) of section	4079
3317.016 of the Revised Code, including any student described in	4080
division (D) (1) (b) of this section;	4081

(o) English learners described in division (C) of section 4082
3317.016 of the Revised Code, including any student described in 4083
division (D) (1) (b) of this section; 4084

(p) Students who are economically disadvantaged, as 4085
defined by the department, including any student described in 4086
division (D) (1) (b) of this section. A student shall not be 4087
categorically excluded from the number reported under division 4088
(D) (2) (p) of this section based on anything other than family 4089
income. 4090

The superintendent of each joint vocational school 4091
district shall also indicate the city, local, or exempted 4092
village school district in which each joint vocational district 4093
pupil is entitled to attend school pursuant to section 3313.64 4094
or 3313.65 of the Revised Code. 4095

(E) In each school of each city, local, exempted village, 4096
joint vocational, and cooperative education school district 4097
there shall be maintained a record of school enrollment, which 4098
record shall accurately show, for each day the school is in 4099
session, the actual enrollment in regular day classes. For the 4100
purpose of determining the enrollment of students, the 4101
enrollment figure of any school shall not include any pupils 4102
except those pupils described by division (A) or (D) of this 4103
section. The record of enrollment for each school shall be 4104
maintained in such manner that no pupil shall be counted as 4105
enrolled prior to the actual date of entry in the school and 4106
also in such manner that where for any cause a pupil permanently 4107
withdraws from the school that pupil shall not be counted as 4108
enrolled from and after the date of such withdrawal. There shall 4109
not be included in the enrollment of any school any of the 4110
following: 4111

(1) Any pupil who has graduated from the twelfth grade of a public or nonpublic high school; 4112
4113

(2) Any pupil who is not a resident of the state; 4114

(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; 4115
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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; 4121
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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. 4129
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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. 4131
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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 4136
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a parent is not paying tuition for the pupil pursuant to section 4141
3313.6410 of the Revised Code. The department may grant such a 4142
waiver only for good cause in accordance with rules adopted by 4143
the department. 4144

The enrolled ADM, formula ADM, total ADM, category one 4145
through five career-technical education ADM, category one 4146
through three English learner ADM, category one through six 4147
special education ADM, transportation ADM, and, for purposes of 4148
provisions of law outside of Chapter 3317. of the Revised Code, 4149
average daily membership of any school district shall be 4150
determined in accordance with rules adopted by the department. 4151

(F) (1) If a student attending a community school under 4152
Chapter 3314., a science, technology, engineering, and 4153
mathematics school established under Chapter 3326., or a 4154
college-preparatory boarding school established under Chapter 4155
3328. of the Revised Code is not included in the formula ADM 4156
calculated for the school district in which the student is 4157
entitled to attend school under section 3313.64 or 3313.65 of 4158
the Revised Code, the department shall adjust the formula ADM of 4159
that school district to include the student in accordance with 4160
division (C) (2) of this section. 4161

(2) If a student awarded an educational choice scholarship 4162
is not included in the formula ADM of the school district in 4163
which the student resides, the department shall adjust the 4164
formula ADM of that school district to include the student. 4165

(3) If a student awarded a scholarship under the Jon 4166
Peterson special needs scholarship program is not included in 4167
the formula ADM of the school district in which the student 4168
resides, the department shall adjust the formula ADM of that 4169
school district to include the student. 4170

(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 4201
the department, the enrollment in classes under section 3317.20 4202
of the Revised Code for each school district that has placed 4203
children in the classes; 4204

(b) Certify to the department, in the manner prescribed by 4205
the department, the unduplicated count of the number of all 4206
preschool children with disabilities enrolled in classes for 4207
which the board is eligible to receive funding under section 4208
3317.0213 of the Revised Code adjusted for the portion of the 4209
year each child is so enrolled, reported according to the 4210
categories prescribed in section 3317.013 of the Revised Code, 4211
and the number of those classes. 4212

(H) Except as provided in division (I) of this section, 4213
when any city, local, or exempted village school district 4214
provides instruction for a nonresident pupil whose attendance is 4215
unauthorized attendance as defined in section 3327.06 of the 4216
Revised Code, that pupil's enrollment shall not be included in 4217
that district's enrollment figure used in calculating the 4218
district's payments under this chapter. The reporting official 4219
shall report separately the enrollment of all pupils whose 4220
attendance in the district is unauthorized attendance, and the 4221
enrollment of each such pupil shall be credited to the school 4222
district in which the pupil is entitled to attend school under 4223
division (B) of section 3313.64 or section 3313.65 of the 4224
Revised Code as determined by the department. 4225

(I) This division shall not apply on or after September 4226
30, 2021. 4227

(1) A city, local, exempted village, or joint vocational 4228
school district admitting a scholarship student of a pilot 4229
project district pursuant to division (C) of section 3313.976 of 4230

the Revised Code may count such student in its enrollment. 4231

(2) In any year for which funds are appropriated for pilot 4232
project scholarship programs, a school district implementing a 4233
state-sponsored pilot project scholarship program that year 4234
pursuant to sections 3313.974 to 3313.979 of the Revised Code 4235
may count in its enrollment: 4236

(a) All children residing in the district and utilizing a 4237
scholarship to attend kindergarten in any alternative school, as 4238
defined in section 3313.974 of the Revised Code; 4239

(b) All children who were enrolled in the district in the 4240
preceding year who are utilizing a scholarship to attend an 4241
alternative school. 4242

(J) The superintendent of each cooperative education 4243
school district shall certify to the director of education and 4244
workforce, in a manner prescribed by the department, the 4245
applicable enrollments for all students in the cooperative 4246
education district, also indicating the city, local, or exempted 4247
village district where each pupil is entitled to attend school 4248
under section 3313.64 or 3313.65 of the Revised Code. 4249

(K) If the director of education and workforce determines 4250
that a component of the enrollment certified or reported by a 4251
district superintendent, or other reporting entity, is not 4252
correct, the director of education and workforce may order that 4253
the district's enrolled ADM, formula ADM, or both be adjusted in 4254
the amount of the error. 4255

(L) Notwithstanding anything to the contrary in this 4256
chapter, a student enrolled in a preschool program operated by 4257
the city, local, or exempted village school district in which 4258
the student resides is deemed to be entitled to attend school in 4259

that district under section 3313.64 of the Revised Code for the 4260
purposes of calculating the district's state core foundation 4261
funding under this chapter. 4262

Sec. 3317.083. (A) As used in this section: 4263

(1) "Family income multiple" means a multiple determined 4264
as follows: 4265

(a) For a student with a family adjusted gross income at 4266
or below 250% of the federal poverty guidelines, 0.00; 4267

(b) For a student with a family adjusted gross income 4268
above 250% of the federal poverty guidelines, but at or below 4269
270% of the federal poverty guidelines, 0.05; 4270

(c) For a student with a family adjusted gross income 4271
above 270% of the federal poverty guidelines, but at or below 4272
290% of the federal poverty guidelines, 0.10; 4273

(d) For a student with a family adjusted gross income 4274
above 290% of the federal poverty guidelines, but at or below 4275
310% of the federal poverty guidelines, 0.20; 4276

(e) For a student with a family adjusted gross income 4277
above 310% of the federal poverty guidelines, but at or below 4278
330% of the federal poverty guidelines, 0.30; 4279

(f) For a student with a family adjusted gross income 4280
above 330% of the federal poverty guidelines, but at or below 4281
350% of the federal poverty guidelines, 0.40; 4282

(g) For a student with a family adjusted gross income 4283
above 350% of the federal poverty guidelines, but at or below 4284
370% of the federal poverty guidelines, 0.50; 4285

(h) For a student with a family adjusted gross income 4286

<u>above 370% of the federal poverty guidelines, but at or below</u>	4287
<u>390% of the federal poverty guidelines, 0.60;</u>	4288
<u>(i) For a student with a family adjusted gross income</u>	4289
<u>above 390% of the federal poverty guidelines, but at or below</u>	4290
<u>410% of the federal poverty guidelines, 0.70;</u>	4291
<u>(j) For a student with a family adjusted gross income</u>	4292
<u>above 410% of the federal poverty guidelines, but at or below</u>	4293
<u>430% of the federal poverty guidelines, 0.80;</u>	4294
<u>(k) For a student with a family adjusted gross income</u>	4295
<u>above 430% of the federal poverty guidelines, but at or below</u>	4296
<u>450% of the federal poverty guidelines, 0.90;</u>	4297
<u>(l) For a student with a family adjusted gross income</u>	4298
<u>above 450% of the federal poverty guidelines, 1.00.</u>	4299
<u>(2) "Federal poverty guidelines" has the same meaning as</u>	4300
<u>in section 5101.46 of the Revised Code.</u>	4301
<u>(3) "Maximum amount" means an amount of tuition calculated</u>	4302
<u>for a student as follows:</u>	4303
<u>[The school district's base cost per pupil - (the school</u>	4304
<u>district's base cost per pupil X the school district's state</u>	4305
<u>share percentage)] X 0.40 X the student's family income multiple</u>	4306
<u>(B) Except as provided for in division (E) of this</u>	4307
<u>section, the board of education of a city, local, or exempted</u>	4308
<u>village school district operating a preschool program in</u>	4309
<u>accordance with section 3313.646 of the Revised Code may charge</u>	4310
<u>tuition for a student's participation in the program. The</u>	4311
<u>district board shall adopt a resolution establishing tuition for</u>	4312
<u>participation in that program. The district board shall hold at</u>	4313
<u>least one public hearing prior to adopting the resolution.</u>	4314

(C) The amount of tuition charged for a student under this 4315
section shall not exceed the student's maximum amount, unless 4316
the student's family has an adjusted gross income above seven 4317
hundred per cent of the federal poverty guidelines. A district 4318
may charge a student with a family income above seven hundred 4319
per cent of the federal poverty guidelines any amount it 4320
determines appropriate. 4321

A district board shall establish multiple payment plans 4322
from which a student's parent may choose to pay the required 4323
amount of tuition. A district board shall at least establish 4324
payment plans that permit a parent to pay the tuition in one 4325
lump sum payment, to pay the tuition in nine equal payments, and 4326
to pay the tuition in equal monthly payments. A district board 4327
shall not charge an additional fee or interest to a student's 4328
parent for electing to pay tuition in multiple equal payments. 4329

(D) Once the department of education and workforce 4330
determines the school financing system established in H.B. 110 4331
of the 134th general assembly has been fully implemented, the 4332
department shall notify each school district of that fact and 4333
the school year in which the system is fully implemented. 4334

No school district shall charge tuition in accordance with 4335
this section for the school year in which the school financing 4336
system is fully implemented, or in any subsequent school year, 4337
unless the district receives a two-year waiver from the 4338
department to continue charging tuition. 4339

A school district may apply to renew a waiver. A waiver or 4340
waiver renewal request shall be processed in accordance with 4341
division (E) of this section. 4342

(E) A two-year waiver or a waiver renewal request under 4343

this section shall be submitted, approved or disapproved, and, 4344
if applicable, appealed, as follows: 4345

(1) Not later than the third day of March prior to the 4346
first school year of the waiver's term, a school district shall 4347
submit the request to the department. Prior to submitting the 4348
request, the district's board of education shall hold a public 4349
hearing on the issue and adopt a resolution requesting the 4350
waiver or renewal. 4351

(2) Within thirty days after receiving a request under 4352
division (E) (1) of this section, prior to the first day of July 4353
of the first school year in the waiver's term, the department 4354
shall approve or disapprove the request and notify the district; 4355

(3) If the department disapproves a request, the district 4356
may appeal the decision within fifteen days after receiving 4357
notice of the waiver's denial to the state board of education. 4358

(4) Within fifteen days after receiving the appeal request 4359
under division (E) (3) of this section, the state board shall 4360
conduct a public hearing regarding the appeal. At that public 4361
hearing, the district superintendent and the deputy director of 4362
primary and secondary education shall each make a presentation 4363
to the state board regarding the disapproval, and the state 4364
board shall vote on whether to approve or disapprove the appeal. 4365
If a majority of the members of the state board vote in favor of 4366
the appeal, the waiver is approved. 4367

Sec. 3321.01. (A) (1) As used in this chapter, "parent," 4368
"guardian," or "other person having charge or care of a child" 4369
means either parent unless the parents are separated or divorced 4370
or their marriage has been dissolved or annulled, in which case 4371
"parent" means the parent who is the residential parent and 4372

legal custodian of the child. If the child is in the legal or 4373
permanent custody of a person or government agency, "parent" 4374
means that person or government agency. When a child is a 4375
resident of a home, as defined in section 3313.64 of the Revised 4376
Code, and the child's parent is not a resident of this state, 4377
"parent," "guardian," or "other person having charge or care of 4378
a child" means the head of the home. 4379

A child between six and eighteen years of age is "of 4380
compulsory school age" for the purpose of sections 3321.01 to 4381
3321.13 of the Revised Code. A child under six years of age who 4382
has been enrolled in kindergarten also shall be considered "of 4383
compulsory school age" for the purpose of sections 3321.01 to 4384
3321.13 of the Revised Code unless at any time the child's 4385
parent or guardian, at the parent's or guardian's discretion and 4386
in consultation with the child's teacher and principal, formally 4387
withdraws the child from kindergarten. The compulsory school age 4388
of a child shall not commence until the beginning of the term of 4389
such schools, or other time in the school year fixed by the 4390
rules of the board of the district in which the child resides. 4391

(2) In a district in which all children are admitted to 4392
kindergarten and the first grade in August or September, a child 4393
shall be admitted if the child is five or six years of age, 4394
respectively, by the thirtieth day of September of the year of 4395
admittance, or by the first day of a term or semester other than 4396
one beginning in August or September in school districts 4397
granting admittance at the beginning of such term or semester. A 4398
child who does not meet the age requirements of this section for 4399
admittance to kindergarten or first grade, but who will be five 4400
or six years old, respective, prior to the first day of January 4401
of the school year in which admission is requested, shall be 4402
evaluated for early admittance in accordance with district 4403

policy upon referral by the child's parent or guardian, an 4404
educator employed by the district, a preschool educator who 4405
knows the child, or a pediatrician or psychologist who knows the 4406
child. Following an evaluation in accordance with a referral 4407
under this section, the district board shall decide whether to 4408
admit the child. If a child for whom admission to kindergarten 4409
or first grade is requested will not be five or six years of 4410
age, respectively, prior to the first day of January of the 4411
school year in which admission is requested, the child shall be 4412
admitted only in accordance with the district's acceleration 4413
policy adopted under section 3324.10 of the Revised Code. 4414

(3) Notwithstanding division (A)(2) of this section, 4415
beginning with the school year that starts in 2001 and 4416
continuing thereafter the board of education of any district may 4417
adopt a resolution establishing the first day of August in lieu 4418
of the thirtieth day of September as the required date by which 4419
students must have attained the age specified in that division. 4420

(4) After a student has been admitted to kindergarten in a 4421
school district or chartered nonpublic school, no board of 4422
education of a school district to which the student transfers 4423
shall deny that student admission based on the student's age. 4424

(B) As used in division (C) of this section, "successfully 4425
completed kindergarten" means that the child has completed the 4426
kindergarten requirements at one of the following: 4427

(1) A public or chartered nonpublic school; 4428

(2) A kindergarten class that is both of the following: 4429

(a) Offered by a child care provider licensed under 4430
Chapter 5104. of the Revised Code; 4431

(b) If offered after July 1, 1991, is directly taught by a 4432

teacher who holds one of the following: 4433

(i) A valid educator license issued under section 3319.22 4434
of the Revised Code; 4435

(ii) A Montessori preprimary credential or age-appropriate 4436
diploma granted by the American Montessori society or the 4437
association Montessori internationale; 4438

(iii) Certification determined under division (F) of this 4439
section to be equivalent to that described in division (B) (2) (b) 4440
(ii) of this section; 4441

(iv) Certification for teachers in nontax-supported 4442
schools pursuant to section 3301.071 of the Revised Code. 4443

(C) (1) Except as provided in division (A) (2) of this 4444
section, no school district shall admit to the first grade any 4445
child who has not successfully completed kindergarten. 4446

(2) Notwithstanding division (A) (2) of this section, any 4447
student who has successfully completed kindergarten in 4448
accordance with section (B) of this section shall be admitted to 4449
first grade. 4450

(D) The scheduling of times for kindergarten classes and 4451
length of the school day for kindergarten shall be determined by 4452
the board of education of a city, exempted village, or local 4453
school district. 4454

(E) Any kindergarten class offered by a child care 4455
provider or school described by division (B) (1) or (B) (2) (a) of 4456
this section shall be developmentally appropriate. 4457

(F) Upon written request of a child care provider 4458
described by division (B) (2) (a) of this section, the department 4459
of education and workforce shall determine whether certification 4460

held by a teacher employed by the provider meets the requirement 4461
of division (B) (2) (b) (iii) of this section and, if so, shall 4462
furnish the provider a statement to that effect. 4463

~~(G) As used in this division, "all-day kindergarten" has 4464
the same meaning as in section 3321.05 of the Revised Code. 4465~~

~~(1) A school district that is offering all-day 4466
kindergarten for the first time or that charged fees or tuition 4467
for all day kindergarten in the 2012-2013 school year may charge 4468
fees or tuition for a student enrolled in all day kindergarten 4469
in any school year following the 2012-2013 school year. The 4470
department shall adjust the district's average daily membership 4471
certification under section 3317.03 of the Revised Code by one 4472
half of the full-time equivalency for each student charged fees 4473
or tuition for all day kindergarten under this division. If a 4474
district charges fees or tuition for all day kindergarten under 4475
this division, the district shall develop a sliding fee scale 4476
based on family incomes. 4477~~

~~(2) The department shall conduct an annual survey of each 4478
school district described in division (G) (1) of this section to 4479
determine the following: 4480~~

~~(a) Whether the district charges fees or tuition for 4481
students enrolled in all day kindergarten; 4482~~

~~(b) The amount of the fees or tuition charged; 4483~~

~~(c) How many of the students for whom tuition is charged 4484
are eligible for free lunches under the "National School Lunch 4485
Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the 4486
"Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as 4487
amended, and how many of the students for whom tuition is 4488
charged are eligible for reduced price lunches under those acts; 4489~~

~~(d) How many students are enrolled in traditional half-day kindergarten rather than all-day kindergarten.~~ 4490
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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.~~ 4492
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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.~~ 4495
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A district shall not charge tuition for any child enrolled in its all-day kindergarten program. 4499
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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. 4501
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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 standards adopted under division (D) of section 3301.07 of the Revised Code. Each school district that operates all day or extended kindergarten shall accommodate kindergarten students whose parents or guardians elect to enroll them for the minimum number of hours program. 4505
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(C) A school district may use space in child care centers 4518

licensed under Chapter 5104. of the Revised Code to provide all- 4519
day kindergarten under this section. 4520

Sec. 3323.02. As used in this section, "IDEIA" means the 4521
"Individuals with Disabilities Education Improvement Act of 4522
2004," Pub. L. No. 108-446. 4523

It is the purpose of this chapter to ensure that all 4524
children with disabilities residing in this state who are at 4525
least three years of age and less than twenty-two years of age, 4526
including children with disabilities who have been suspended or 4527
expelled from school, have available to them a free appropriate 4528
public education. No school district, county board of 4529
developmental disabilities, or other educational agency shall 4530
receive state or federal funds for special education and related 4531
services unless those services for children with disabilities 4532
are provided in accordance with IDEIA and related provisions of 4533
the Code of Federal Regulations, the provisions of this chapter, 4534
rules and standards adopted by the department of education and 4535
workforce, and any procedures or guidelines issued by the 4536
director of education and workforce. Any options or discretion 4537
provided to the state by IDEIA may be exercised in state law or 4538
in rules or standards adopted by the department of education and 4539
workforce. 4540

The department of education and workforce shall establish 4541
rules or standards for the provision of special education and 4542
related services for all children with disabilities who are at 4543
least three years of age and less than twenty-two years of age 4544
residing in the state, regardless of the severity of their 4545
disabilities, including children with disabilities who have been 4546
suspended or expelled from school. The department of education 4547
and workforce shall consult with the department of children and 4548

youth on rules or standards regarding the provision of special 4549
education and related services for children with disabilities 4550
from three to five years of age. The state law and the rules or 4551
standards of the department of education and workforce may 4552
impose requirements that are not required by IDEIA or related 4553
provisions of the Code of Federal Regulations. The school 4554
district of residence is responsible, in all instances, for 4555
ensuring that the requirements of Part B of IDEIA are met for 4556
every eligible child in its jurisdiction, regardless of whether 4557
services are provided by another school district, other 4558
educational agency, or other agency, department, or entity, 4559
unless IDEIA or related provisions of the Code of Federal 4560
Regulations, another section of this chapter, or a rule adopted 4561
by the department of education and workforce specifies that 4562
another school district, other educational agency, or other 4563
agency, department, or entity is responsible for ensuring 4564
compliance with Part B of IDEIA. 4565

The department of children and youth shall, as 4566
appropriate, incorporate the department of education and 4567
workforce's rules or standards for providing special education 4568
and related services for children with disabilities into the 4569
licensing requirements for preschool programs under sections 4570
3301.52 to 3301.59 of the Revised Code. 4571

~~Notwithstanding division (A) (4) of section 3301.53 of the~~ 4572
~~Revised Code and any rules adopted pursuant to that section and~~ 4573
~~division (A) of section 3313.646 of the Revised Code, a A board~~ 4574
of education of a school district may provide special education 4575
and related services for preschool children with disabilities in 4576
accordance with this chapter and section 3301.52, divisions (A) 4577
(1) to ~~(3)~~ and ~~(A) (5)~~ and (6) of section 3301.53, and sections 4578
3301.54 to 3301.59 of the Revised Code. 4579

The department of education and workforce may require any 4580
state or local agency to provide documentation that special 4581
education and related services for children with disabilities 4582
provided by the agency are in compliance with the requirements 4583
of this chapter. 4584

Not later than the first day of February of each year the 4585
department of education and workforce shall furnish the 4586
chairpersons of the education committees of the house of 4587
representatives and the senate with a report on the status of 4588
implementation of special education and related services for 4589
children with disabilities required by this chapter. The report 4590
shall include but shall not be limited to the following items: 4591
the most recent available figures on the number of children 4592
identified as children with disabilities and the number of 4593
identified children receiving special education and related 4594
services. The information contained in these reports shall be 4595
public information. 4596

Section 4. That existing sections 3301.50, 3301.53, 4597
3301.54, 3301.56, 3313.48, 3313.64, 3313.646, 3313.842, 3313.98, 4598
3313.981, 3314.03, 3314.08, 3317.011, 3317.0110, 3317.02, 4599
3317.0213, 3317.03, 3321.01, 3321.05, and 3323.02 of the Revised 4600
Code are hereby repealed. 4601

Section 5. Sections 3 and 4 of this act take effect July 4602
1, 2029. 4603

Section 6. This act shall be known as the Universal 4604
Preschool Act. 4605