

1 Sub. S.B. 316
 2 LSC 129 2424-4
 3 HC-0789
 4 Omnibus

5 Stebertson moved to amend as follows:

6 Engross the bill as directed by the commands in the
 7 amendments attached hereto, ignoring matter extraneous to those
 8 commands

9 INDEX

10 The following amendments are attached hereto:

Amendment No.	Subject
HC-0679-1	ESC Service Agreements
HC-0681	Workforce Development and Performance Character
HC-0685	Early Admission to Kindergarten or First Grade
HC-0686	Use of Ed Choice Scholarships
HC-0688	Literacy Education - Birth to Third Grade
HC-0689	Expedited Local Partnership Program
HC-0692	Gifted Education Coordinators

Amendment No.	Subject
HC-0693	Regional Community Schools for Identified Gifted Students
HC-0696	STEM Schools and STEM Grants for Gifted Students
HC-0697	Sick Leave for Intermittent School District Employees
HC-0698	Digital and Blended Learning
HC-0702	TIF Notification to Joint Vocational School Districts
HC-0703	Joint Vocational School District Report Cards
HC-0704	Blended Learning
HC-0705	State Board of Education Meetings
HC-0706	Community Schools Operating in Residential Care Facilities
HC-0707	Learn to Earn Program Participants
HC-0708	Report on Eye Exams for Students with Disabilities
HC-0754	Combining Community School and District Report Card Data
HC-0755	Community School Governing Authority Membership
HC-0756	Teacher Evaluations

Amendment No.	Subject
HC-0757	Teacher Evaluation Framework
HC-0758	School District and School Expenditure Reporting Standards
HC-0759	Community School Sponsor Rankings; Exemption from Permanent Closure Provisions for Dropout Prevention and Recovery Community Schools
HC-0760	Teacher Evaluations
HC-0761	Teacher Evaluation Data
HC-0762	Teacher Evaluations
HC-0763	Teacher Evaluations
HC-0764	Achievement Assessment Scores
HC-0773	Access to School District Property
HC-0774	Third Grade Reading Guarantee
HC-0775-1	Digital and Blended Learning
HC-0777	Teacher Testing and Professional Development
HC-0778-1	Hybrid Schools
HC-0779	Teacher Evaluations

Amendment No.	Subject
HC-0782	Ed Choice Eligibility
HC-0783	Third Grade Reading Guarantee
HC-0787	Performance Standards for Dropout Recovery Community Schools; Automatic Closure of Community Schools

11 The motion was _____ agreed to.

Sub. S.B. 316
LSC 129 2424-4
HC-0679-1

_____ moved to amend as follows:

In line 55, after "3313.816," insert "3313.843,"

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In line 57, after "3317.01," insert "3317.11,"

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Between lines 2834 and 2835, insert:

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"Sec. 3313.843. (A) Notwithstanding division (D) of section 3311.52 of the Revised Code, this section does not apply to any cooperative education school district.

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(B) (1) The board of education of each city, exempted village, or local school district with an average daily student enrollment of sixteen thousand or less, reported for the district on the most recent report card issued under section 3302.03 of the Revised Code, shall enter into an agreement with the governing board of an educational service center, under which the educational service center governing board will provide services to the district.

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(2) The board of education of a city, exempted village, or local school district with an average daily student enrollment of more than sixteen thousand may enter into an agreement with the governing board of an educational service center, under which the educational service center governing board will provide services to the district.

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(3) Services provided under an agreement entered into under

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division (B)(1) or (2) of this section shall be specified in the
agreement, and may include any of the following: supervisory
teachers; in-service and continuing education programs for
district personnel; curriculum services; research and development
programs; academic instruction for which the governing board
employs teachers pursuant to section 3319.02 of the Revised Code;
assistance in the provision of special accommodations and classes
for students with disabilities; or any other services the district
board and service center governing board agree can be better
provided by the service center and are not provided under an
agreement entered into under section 3313.845 of the Revised Code.
Services included in the agreement shall be provided to the
district in the manner specified in the agreement. The district
board of education shall reimburse the educational service center
governing board pursuant to section 3317.11 of the Revised Code.

Beginning with the 2012-2013 school year, the board of any
district described in division (B)(2) of this section may elect
not to receive the supervisory services for which supervisory
units are paid under division (B) of section 3317.11 of the
Revised Code, provided that election is specified in the
agreement.

(C) Any agreement entered into pursuant to this section shall
be filed with the department of education by the first day of July
of the school year for which the agreement is in effect.

(D)(1) An agreement for services from an educational service
center entered into under this section may be terminated by the
school district board of education, at its option, by notifying
the governing board of the service center by March 1, 2012, or by
the first day of January of any odd-numbered year thereafter, that
the district board intends to terminate the agreement in that
year, and that termination shall be effective on the thirtieth day

of June of that year. The failure of a district board to notify an educational service center of its intent to terminate an agreement by March 1, 2012, shall result in renewal of the existing agreement for the following school year. Thereafter, the failure of a district board to notify an educational service center of its intent to terminate an agreement by the first day of January of an odd-numbered year shall result in renewal of the existing agreement for the following two school years.

(2) If the school district that terminates an agreement for services under division (D) (1) of this section is also subject to the requirement of division (B) (1) of this section, the district board shall enter into a new agreement with a ~~different~~ any educational service center so that the new agreement is effective on the first day of July of that same year."

Between lines 4729 and 4730, insert:

"Sec. 3317.11. (A) As used in this section:

(1) "Client school district" means a city, exempted village, or local school district that has entered into an agreement under section 3313.843 of the Revised Code to receive any services from an educational service center.

(2) "Service center ADM" means the sum of the total student counts of all of an educational service center's client school districts.

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

(4) "Total student count" has the same meaning as in section 3301.011 of the Revised Code.

(B) ~~(1)~~ Beginning with the 2012-2013 school year, this

division shall not apply to any client school district that has 81
elected not to receive supervisory services under this division, 82
as specified in the district's agreement under section 3313.843 of 83
the Revised Code, and the department of education shall not make 84
any deductions for the district under this division. 85

(1) The governing board of each educational service center 86
shall provide supervisory services to each of its client school 87
districts. Except as provided in division (B) (2) of this section, 88
the supervisory services shall not exceed one supervisory teacher 89
for the first fifty classroom teachers required to be employed in 90
the districts, as calculated in the manner prescribed under former 91
division (B) of section 3317.023 of the Revised Code, as that 92
division existed prior to June 30, 2011, and one for each 93
additional one hundred required classroom teachers, as so 94
calculated. 95

The supervisory services shall be financed annually through 96
supervisory units. Except as provided in division (B) (2) of this 97
section, the number of supervisory units assigned to each district 98
shall not exceed one unit for the first fifty classroom teachers 99
required to be employed in the district, as calculated in the 100
manner prescribed under former division (B) of section 3317.023 of 101
the Revised Code, as that division existed prior to June 30, 2011, 102
and one for each additional one hundred required classroom 103
teachers, as so calculated. The cost of each supervisory unit 104
shall be the sum of: 105

(a) The minimum salary prescribed by section 3317.13 of the 106
Revised Code for the licensed supervisory employee of the 107
governing board; 108

(b) An amount equal to fifteen per cent of that salary; 109

(c) An allowance for necessary travel expenses, limited to 110
the lesser of two hundred twenty-three dollars and sixteen cents 111

per month or two thousand six hundred seventy-eight dollars per 112
year. 113

(2) If a majority of the boards of education, or 114
superintendents acting on behalf of the boards, of the client 115
school districts receiving services from the educational service 116
center agree to receive additional supervisory services and to pay 117
the cost of a corresponding number of supervisory units in excess 118
of the services and units specified in division (B) (1) of this 119
section, the service center shall provide the additional services 120
as agreed to by the majority of districts to, and the department 121
~~of education~~ shall apportion the cost of the corresponding number 122
of additional supervisory units pursuant to division (B) (3) of 123
this section among, all of the service center's client school 124
districts. 125

(3) The department shall apportion the total cost for all 126
supervisory units among the service center's client school 127
districts based on each district's total student count. The 128
department shall deduct each district's apportioned share pursuant 129
to division (B) of section 3317.023 of the Revised Code and pay 130
the apportioned share to the service center. 131

(C) The department annually shall deduct from each client 132
school district of each educational service center, pursuant to 133
division (B) of section 3317.023 of the Revised Code, and pay to 134
the service center an amount equal to six dollars and fifty cents 135
times the school district's total student count. The board of 136
education, or the superintendent acting on behalf of the board, of 137
any client school district may agree to pay an amount in excess of 138
six dollars and fifty cents per student in total student count. If 139
a majority of the boards of education, or superintendents acting 140
on behalf of the boards, of the service center's client school 141
districts approve an amount in excess of six dollars and fifty 142

cents per student in total student count, the department shall 143
deduct the approved excess per student amount from all of the 144
service center's client school districts and pay the excess amount 145
to the service center. 146

(D) The department shall pay each educational service center 147
the amounts due to it from school districts pursuant to contracts, 148
compacts, or agreements under which the service center furnishes 149
services to the districts or their students. In order to receive 150
payment under this division, an educational service center shall 151
furnish either a copy of the contract, compact, or agreement 152
clearly indicating the amounts of the payments, or a written 153
statement that clearly indicates the payments owed and is signed 154
by the superintendent or treasurer of the responsible school 155
district. The amounts paid to service centers under this division 156
shall be deducted from payments to school districts pursuant to 157
division (H) (3) of section 3317.023 of the Revised Code. 158

(E) Each school district's deduction under this section and 159
divisions (B) and (H) (3) of section 3317.023 of the Revised Code 160
shall be made from the total payment computed for the district 161
under this chapter, after making any other adjustments in that 162
payment required by law. 163

(F) (1) Except as provided in division (F) (2) of this section, 164
the department annually shall pay the governing board of each 165
educational service center state funds equal to thirty-seven 166
dollars times its service center ADM. 167

(2) The department annually shall pay state funds equal to 168
forty dollars and fifty-two cents times the service center ADM to 169
each educational service center comprising territory that was 170
included in the territory of at least three former service centers 171
or county school districts, which former centers or districts 172
engaged in one or more mergers under section 3311.053 of the 173

Revised Code to form the present center. 174

(G) Each city, exempted village, local, joint vocational, or 175
cooperative education school district shall pay to the governing 176
board of an educational service center any amounts agreed to for 177
each child enrolled in the district who receives special education 178
and related services or career-technical education from the 179
educational service center, unless these educational services are 180
provided pursuant to a contract, compact, or agreement for which 181
the department deducts and transfers payments under division (D) 182
of this section and division (H) (3) of section 3317.023 of the 183
Revised Code. 184

(H) The department annually shall pay the governing board of 185
each educational service center that has entered into a contract 186
with a STEM school for the provision of services described in 187
division (B) of section 3326.45 of the Revised Code state funds 188
equal to the per-pupil amount specified in the contract for the 189
provision of those services times the number of students enrolled 190
in the STEM school. 191

(I) An educational service center: 192

(1) May provide special education and career-technical 193
education to students in its client school districts; 194

(2) Is eligible for transportation funding under division (C) 195
of section 3317.024 of the Revised Code; 196

(3) May apply for and receive gifted education units and 197
provide gifted education services to students in its client school 198
districts; 199

(4) May conduct driver education for high school students in 200
accordance with Chapter 4508. of the Revised Code." 201

In line 9822, after "3313.816," insert "3313.843," 202

In line 9824, after "3317.01," insert "3317.11,"	203
Between lines 16274 and 16275, insert:	204
"Sections 3313.843 and 3317.11 of the Revised Code."	205
In line 6 of the title, after "3313.816," insert "3313.843,"	206
In line 9 of the title, after "3317.01," insert "3317.11,"	207

The motion was _____ agreed to.

SYNOPSIS

ESC Service Agreements	208
R.C. 3313.843 and 3317.11	209
Beginning with the 2012-2013 school year, permits a school	210
district with more than 16,000 students that enters into an	211
agreement with an educational service center for services for	212
which the state provides per-pupil funding, to opt out of	213
receiving supervisory services (such as supervisors for the	214
district's teachers). If a district opts out of those services, it	215
is not required to pay for them through the deduction of	216
supervisory units from the district's state aid account.	217

5 _____ moved to amend as follows:

6 In line 10514, after "(A)" insert "For purposes of this
7 section, "performance character" means the career-essential
8 relational attributes that build trust with others, including
9 respect, honesty, integrity, task-excellence, responsibility,
10 and resilience."

11 (B)"

12 In line 10522, after "skills" insert "and performance
13 character"; after "obtain" insert "and succeed in"

14 In line 10545, strike through "(B)" and insert "(C)"

15 In line 10548, strike through "(C)" and insert "(D)"

16 The motion was _____ agreed to.

17 SYNOPSIS

18 **Workforce Development and Performance Character**

19 **R.C. 6301.07**

20 Requires that a local workforce development plan identify
21 performance character traits, including respect, honesty,
22 integrity, task-excellence, responsibility, resilience, that are
23 necessary to obtain and succeed in projected employment
24 opportunities with businesses in the local area.

Sub. S.B. 316
LSC 129 2424-4
HC-0685

_____ moved to amend as follows:

In line 55, after "3313.816," insert "3313.842,"

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Between lines 2834 and 2835, insert:

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

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

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the district under section 3313.64 or 3313.65 of the Revised Code. 22
 Except as otherwise provided in division ~~(H)~~(G) of section 3321.01 23
 of the Revised Code, no community school that is party to the 24
 agreement shall charge fees or tuition for students who 25
 participate in the program and are reported by the school under 26
 division (B) (2) of section 3314.08 of the Revised Code." 27

In line 6013, strike through "except that" 28

Strike through lines 6014 through 6026 29

In line 6027, strike through all before the period and insert 30
"unless the child has been recommended for early admittance in 31
accordance with the district's acceleration policy adopted under 32
section 3324.10 of the Revised Code. A child who does not meet the 33
age requirement for admittance to kindergarten or first grade 34
shall be evaluated for early admittance upon referral by an 35
educator employed by the district, a preschool educator who knows 36
the child, or a pediatrician or psychologist who knows the child" 37

In line 6028, strike through "divisions" and insert 38
"division"; strike through "and (D)" 39

In line 6033, strike through "those divisions" and insert 40
"that division" 41

In line 6038, strike through "divisions" and insert 42
"division"; strike through "and (D)" 43

In line 6039, strike through "and "successful completion" 44

In line 6040, strike through "of kindergarten" mean" and 45
 insert "means" 46

In line 6053, strike through "(G)" and insert "(F)" 47

In line 6058, strike through "(D)" and insert "(A) (2)" 48

In line 6061, strike through all after "(D)" 49

Strike through lines 6062 through 6086	50
In line 6087, strike through "(E)"	51
In line 6091, strike through "(F)" and insert " <u>(E)</u> "	52
In line 6094, strike through "(G)" and insert " <u>(F)</u> "	53
In line 6100, strike through "(H)" and insert " <u>(G)</u> "	54
In line 6110, strike through "(H)" and insert " <u>(G)</u> "	55
In line 6125, strike through "(H)" and insert " <u>(G)</u> "	56
In line 9822, after "3313.816," insert "3313.842,"	57
In line 6 of the title, after "3313.816," insert "3313.842,"	58

The motion was _____ agreed to.

SYNOPSIS

Early Admission to Kindergarten or First Grade	59
R.C. 3321.01; conforming change in R.C. 3313.842	60
Allows a school district or community (charter) school to	61
admit to kindergarten or first grade a child who is not yet the	62
required age, if the child is recommended for early admission in	63
accordance with the district's or school's acceleration policy.	64
(Generally, under current law, a child must be five years old to	65
enter kindergarten, or six years old to enter first grade, by	66
September 30 of the school year of admission. However, a school	67
district or community school may adopt August 1 as the date by	68
which the child must have attained the required age.)	69
Requires a child to be evaluated for early admission upon	70
referral by (1) an educator employed by the district or school,	71
(2) a preschool educator who knows the child, or (3) a	72

pediatrician or psychologist who knows the child. 73

Repeals provisions of current law that: 74

(1) Require a child to be issued a waiver by a pupil 75
personnel services committee in order to be admitted to first 76
grade without completing kindergarten; and 77

(2) Authorize early admission for children who meet 78
established standards on standardized tests. (However, meeting 79
testing standards still could be part of a district's or school's 80
acceleration policy.) 81

Sub. S.B. 316

As Passed by the Senate

HC-0686

_____ moved to amend as follows:

In line 56, after "3302.25," insert "3310.01, 3310.02,"; 1
after "3310.03," insert "3310.04, 3310.06, 3310.07,"; after 2
"3310.08," insert "3310.10, 3310.11, 3310.13, 3310.14,"; after 3
"3310.15," insert "3310.17," 4

In line 60, after "3317.01," insert "3317.03," 5

Between lines 1831 and 1832, insert: 6

"Sec. 3310.01. As used in sections 3310.01 to 3310.17 of the 7
Revised Code: 8

(A) "Approved nonpublic school" means a nonpublic school that 9
meets both of the following conditions: 10

(1) The school is in the process of becoming a chartered 11
nonpublic school and has received a letter of preliminary approval 12
to operate from the department of education within the previous 13
three years. 14

(2) Not later than the first day of April prior to the school 15
year for which the school intends to begin enrolling eligible 16
students, the school files with the superintendent of public 17
instruction one of the following: 18

(a) A surety bond payable to the state or a letter of credit 19
with the state as the beneficiary in an amount equal to one-half 20

of the amount of the educational choice scholarship funds expected 21
to be received during a school year, as determined by the state 22
superintendent; 23

(b) A guarantee in the amount of one million dollars from a 24
person or organization with a net worth of at least five million 25
dollars which shall be demonstrated to the satisfaction of the 26
auditor of state. 27

(B) "Chartered nonpublic school" means a nonpublic school 28
that holds a valid charter issued by the state board of education 29
under section 3301.16 of the Revised Code and meets the standards 30
established for such schools in rules adopted by the state board. 31

~~(B)~~(C) An "eligible student" is a student who satisfies the 32
conditions specified in section 3310.03 of the Revised Code. 33

~~(C)~~(D) "Parent" has the same meaning as in section 3313.98 of 34
the Revised Code. 35

~~(D)~~(E) "Resident district" means the school district in which 36
a student is entitled to attend school under section 3313.64 or 37
3313.65 of the Revised Code. 38

~~(E)~~(F) "School year" has the same meaning as in section 39
3313.62 of the Revised Code. 40

Sec. 3310.02. (A) The educational choice scholarship pilot 41
program is hereby established. Under the program, the department 42
of education annually shall pay scholarships to attend chartered 43
or approved nonpublic schools in accordance with section 3310.08 44
of the Revised Code for up to the following number of eligible 45
students: 46

(1) Thirty thousand in the 2011-2012 school year; 47

(2) Sixty thousand in the 2012-2013 school year and 48
thereafter. 49

(B) If the number of students who apply for a scholarship exceeds the number of scholarships available under division (A) of this section for the applicable school year, the department shall award scholarships in the following order of priority:

(1) First, to eligible students who received scholarships in the prior school year;

(2) Second, to eligible students with family incomes at or below two hundred per cent of the federal poverty guidelines, as defined in section 5101.46 of the Revised Code, who qualify under division (A) of section 3310.03 of the Revised Code. If the number of students described in division (B) (2) of this section who apply for a scholarship exceeds the number of available scholarships after awards are made under division (B) (1) of this section, the department shall select students described in division (B) (2) of this section by lot to receive any remaining scholarships.

(3) Third, to other eligible students who qualify under division (A) of section 3310.03 of the Revised Code. If the number of students described in division (B) (3) of this section who apply for a scholarship exceeds the number of available scholarships after awards are made under divisions (B) (1) and (2) of this section, the department shall select students described in division (B) (3) of this section by lot to receive any remaining scholarships.

(4) Fourth, to eligible students with family incomes at or below two hundred per cent of the federal poverty guidelines who qualify under division (B) of section 3310.03 of the Revised Code. If the number of students described in division (B) (4) of this section who apply for a scholarship exceeds the number of available scholarships after awards are made under divisions (B) (1) to (3) of this section, the department shall select students described in division (B) (4) of this section by lot to

receive any remaining scholarships. 81

(5) Fifth, to other eligible students who qualify under 82
division (B) of section 3310.03 of the Revised Code. If the number 83
of students described in division (B) (5) of this section who apply 84
for a scholarship exceeds the number of available scholarships 85
after awards are made under divisions (B) (1) to (4) of this 86
section, the department shall select students described in 87
division (B) (5) of this section by lot to receive any remaining 88
scholarships." 89

In line 1926, after "chartered" insert "or approved" 90

In line 1928, after "chartered" insert "or approved" 91

Between lines 2001 and 2002, insert: 92

"Sec. 3310.04. Any eligible student who is enrolled in a 93
chartered or approved nonpublic school and for whom a scholarship 94
under the educational choice scholarship pilot program has been 95
awarded shall be entitled to transportation to and from the 96
chartered or approved nonpublic school by the student's resident 97
district in the manner prescribed in section 3327.01 of the 98
Revised Code. 99

Sec. 3310.06. It is the policy adopted by the general 100
assembly that the educational choice scholarship pilot program 101
shall be construed as one of several educational options available 102
for students enrolled in academic emergency or academic watch 103
school buildings. Students may be enrolled in the schools of the 104
student's resident district, in a community school established 105
under Chapter 3314. of the Revised Code, in the schools of another 106
school district pursuant to an open enrollment policy adopted 107
under section 3313.98 of the Revised Code, in a chartered or 108
approved nonpublic school with or without a scholarship under the 109

educational choice scholarship pilot program, or in other schools 110
as the law may provide. 111

Sec. 3310.07. Any parent, or any student who is at least 112
eighteen years of age, who is seeking a scholarship under the 113
educational choice scholarship pilot program shall notify the 114
department of education of the student's and parent's names and 115
address, the chartered or approved nonpublic school in which the 116
student has been accepted for enrollment, and the tuition charged 117
by the school." 118

In line 2004, after "chartered" insert "or approved" 119

In line 2012, after "chartered" insert "or approved" 120

Between lines 2034 and 2035, insert: 121

"Sec. 3310.10. A scholarship awarded under section 3310.08 of 122
the Revised Code may be used only to pay tuition to any chartered 123
or approved nonpublic school. 124

Sec. 3310.11. (A) Only for the purpose of administering the 125
educational choice scholarship pilot program, the department of 126
education may request from any of the following entities the data 127
verification code assigned under division (D) (2) of section 128
3301.0714 of the Revised Code to any student who is seeking a 129
scholarship under the program: 130

(1) The student's resident district; 131

(2) If applicable, the community school in which that student 132
is enrolled; 133

(3) The independent contractor engaged to create and maintain 134
student data verification codes. 135

(B) Upon a request by the department under division (A) of 136

this section for the data verification code of a student seeking a scholarship or a request by the student's parent for that code, the school district or community school shall submit that code to the department or parent in the manner specified by the department. If the student has not been assigned a code, because the student will be entering kindergarten during the school year for which the scholarship is sought, the district shall assign a code to that student and submit the code to the department or parent by a date specified by the department. If the district does not assign a code to the student by the specified date, the department shall assign a code to that student.

The department annually shall submit to each school district the name and data verification code of each student residing in the district who is entering kindergarten, who has been awarded a scholarship under the program, and for whom the department has assigned a code under this division.

(C) For the purpose of administering the applicable assessments prescribed under sections 3301.0710 and 3301.0712 of the Revised Code, as required by section 3310.14 of the Revised Code, the department shall provide to each chartered or approved nonpublic school that enrolls a scholarship student the data verification code for that student.

(D) The department and each chartered or approved nonpublic school that receives a data verification code under this section shall not release that code to any person except as provided by law.

Any document relative to this program that the department holds in its files that contains both a student's name or other personally identifiable information and the student's data verification code shall not be a public record under section 149.43 of the Revised Code.

Sec. 3310.13. (A) No chartered or approved nonpublic school 168
shall charge any student whose family income is at or below two 169
hundred per cent of the federal poverty guidelines, as defined in 170
section 5101.46 of the Revised Code, a tuition fee that is greater 171
than the total amount paid for that student under section 3310.08 172
of the Revised Code. 173

(B) A chartered or approved nonpublic school may charge any 174
other student who is paid a scholarship under that section the 175
difference between the amount of the scholarship and the regular 176
tuition charge of the school. Each chartered or approved nonpublic 177
school shall permit such an eligible student's family, at the 178
family's option, to provide volunteer services in lieu of cash 179
payment to pay all or part of the amount of the school's tuition 180
not covered by the scholarship paid under section 3310.08 of the 181
Revised Code. 182

Sec. 3310.14. Notwithstanding division (K) of section 183
3301.0711 of the Revised Code, each chartered or approved 184
nonpublic school that enrolls students awarded scholarships under 185
sections 3310.01 to 3310.17 of the Revised Code annually shall 186
administer the assessments prescribed by section 3301.0710 or 187
3301.0712 of the Revised Code to each scholarship student enrolled 188
in the school in accordance with section 3301.0711 of the Revised 189
Code. Each chartered or approved nonpublic school shall report to 190
the department of education the results of each assessment 191
administered to each scholarship student under this section. 192

Nothing in this section requires a chartered or approved 193
nonpublic school to administer any achievement assessment, except 194
for an Ohio graduation test prescribed by division (B)(1) of 195
section 3301.0710 of the Revised Code, as required by section 196
3313.612 of the Revised Code, to any student enrolled in the 197

school who is not a scholarship student." 198

In line 2047, after "chartered" insert "or approved" 199

Between lines 2080 and 2081, insert: 200

"Sec. 3310.17. (A) The state board of education shall adopt 201
rules in accordance with Chapter 119. of the Revised Code 202
prescribing procedures for the administration of the educational 203
choice scholarship pilot program. 204

(B) The state board and the department of education shall not 205
require chartered or approved nonpublic schools to comply with any 206
education laws or rules or other requirements that are not 207
specified in sections 3310.01 to 3310.17 of the Revised Code or in 208
rules necessary for the administration of the program, adopted 209
under division (A) of this section, and that otherwise would not 210
apply to a chartered or approved nonpublic school." 211

Between lines 5484 and 5485, insert: 212

"Sec. 3317.03. (A) The superintendent of each city, local, 213
and exempted village school district and of each educational 214
service center shall, for the schools under the superintendent's 215
supervision, certify to the state board of education on or before 216
the fifteenth day of October in each year for the first full 217
school week in October the average daily membership of students 218
receiving services from schools under the superintendent's 219
supervision, and the numbers of other students entitled to attend 220
school in the district under section 3313.64 or 3313.65 of the 221
Revised Code the superintendent is required to report under this 222
section, so that the department of education can calculate the 223
district's formula ADM. If a school under the superintendent's 224
supervision is closed for one or more days during that week due to 225
hazardous weather conditions or other circumstances described in 226

the first paragraph of division (B) of section 3317.01 of the Revised Code, the superintendent may apply to the superintendent of public instruction for a waiver, under which the superintendent of public instruction may exempt the district superintendent from certifying the average daily membership for that school for that week and specify an alternate week for certifying the average daily membership of that school.

The average daily membership during such week shall consist of the sum of the following:

(1) On an FTE basis, the number of students in grades kindergarten through twelve receiving any educational services from the district, except that the following categories of students shall not be included in the determination:

(a) Students enrolled in adult education classes;

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

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

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

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

(2) On an FTE basis, the number of students entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code, but receiving educational services in grades kindergarten through twelve from one or more of the

following entities:	257
(a) A community school pursuant to Chapter 3314. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;	258 259 260 261
(b) An alternative school pursuant to sections 3313.974 to 3313.979 of the Revised Code as described in division (I) (2) (a) or (b) of this section;	262 263 264
(c) A college pursuant to Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. or a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code;	265 266 267 268 269
(d) An adjacent or other school district under an open enrollment policy adopted pursuant to section 3313.98 of the Revised Code;	270 271 272
(e) An educational service center or cooperative education district;	273 274
(f) Another school district under a cooperative education agreement, compact, or contract;	275 276
(g) A chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code;	277 278
(h) An alternative public provider or a registered private provider with a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code.	279 280 281
As used in this section, "alternative public provider" and "registered private provider" have the same meanings as in section 3310.41 or 3310.51 of the Revised Code, as applicable.	282 283 284
(i) A science, technology, engineering, and mathematics	285

school established under Chapter 3326. of the Revised Code, 286
including any participation in a college pursuant to Chapter 3365. 287
of the Revised Code while enrolled in the school; 288

(j) A college-preparatory boarding school established under 289
Chapter 3328. of the Revised Code. 290

(3) The number of students enrolled in a joint vocational 291
school district or under a vocational education compact, excluding 292
any students entitled to attend school in the district under 293
section 3313.64 or 3313.65 of the Revised Code who are enrolled in 294
another school district through an open enrollment policy as 295
reported under division (A)(2)(d) of this section and then enroll 296
in a joint vocational school district or under a vocational 297
education compact; 298

(4) The number of children with disabilities, other than 299
preschool children with disabilities, entitled to attend school in 300
the district pursuant to section 3313.64 or 3313.65 of the Revised 301
Code who are placed by the district with a county DD board, minus 302
the number of such children placed with a county DD board in 303
fiscal year 1998. If this calculation produces a negative number, 304
the number reported under division (A)(4) of this section shall be 305
zero. 306

(B) To enable the department of education to obtain the data 307
needed to complete the calculation of payments pursuant to this 308
chapter, in addition to the average daily membership, each 309
superintendent shall report separately the following student 310
counts for the same week for which average daily membership is 311
certified: 312

(1) The total average daily membership in regular learning 313
day classes included in the report under division (A)(1) or (2) of 314
this section for each of the individual grades kindergarten 315
through twelve in schools under the superintendent's supervision; 316

(2) The number of all preschool children with disabilities 317
enrolled as of the first day of December in classes in the 318
district that are eligible for approval under division (B) of 319
section 3317.05 of the Revised Code and the number of those 320
classes, which shall be reported not later than the fifteenth day 321
of December, in accordance with rules adopted under that section; 322

(3) The number of children entitled to attend school in the 323
district pursuant to section 3313.64 or 3313.65 of the Revised 324
Code who are: 325

(a) Participating in a pilot project scholarship program 326
established under sections 3313.974 to 3313.979 of the Revised 327
Code as described in division (I) (2) (a) or (b) of this section; 328

(b) Enrolled in a college under Chapter 3365. of the Revised 329
Code, except when the student is enrolled in the college while 330
also enrolled in a community school pursuant to Chapter 3314. or a 331
science, technology, engineering, and mathematics school 332
established under Chapter 3326. of the Revised Code; 333

(c) Enrolled in an adjacent or other school district under 334
section 3313.98 of the Revised Code; 335

(d) Enrolled in a community school established under Chapter 336
3314. of the Revised Code that is not an internet- or 337
computer-based community school as defined in section 3314.02 of 338
the Revised Code, including any participation in a college 339
pursuant to Chapter 3365. of the Revised Code while enrolled in 340
such community school; 341

(e) Enrolled in an internet- or computer-based community 342
school, as defined in section 3314.02 of the Revised Code, 343
including any participation in a college pursuant to Chapter 3365. 344
of the Revised Code while enrolled in the school; 345

(f) Enrolled in a ~~chartered~~ nonpublic school with a 346

scholarship paid under section 3310.08 of the Revised Code; 347

(g) Enrolled in kindergarten through grade twelve in an 348
alternative public provider or a registered private provider with 349
a scholarship awarded under section 3310.41 of the Revised Code; 350

(h) Enrolled as a preschool child with a disability in an 351
alternative public provider or a registered private provider with 352
a scholarship awarded under section 3310.41 of the Revised Code; 353

(i) Participating in a program operated by a county DD board 354
or a state institution; 355

(j) Enrolled in a science, technology, engineering, and 356
mathematics school established under Chapter 3326. of the Revised 357
Code, including any participation in a college pursuant to Chapter 358
3365. of the Revised Code while enrolled in the school; 359

(k) Enrolled in a college-preparatory boarding school 360
established under Chapter 3328. of the Revised Code. 361

(4) The number of pupils enrolled in joint vocational 362
schools; 363

(5) The combined average daily membership of children with 364
disabilities reported under division (A)(1) or (2) of this section 365
receiving special education services for the category one 366
disability described in division (A) of section 3317.013 of the 367
Revised Code, including children attending a special education 368
program operated by an alternative public provider or a registered 369
private provider with a scholarship awarded under sections 3310.51 370
to 3310.64 of the Revised Code; 371

(6) The combined average daily membership of children with 372
disabilities reported under division (A)(1) or (2) of this section 373
receiving special education services for category two disabilities 374
described in division (B) of section 3317.013 of the Revised Code, 375
including children attending a special education program operated 376

by an alternative public provider or a registered private provider 377
with a scholarship awarded under sections 3310.51 to 3310.64 of 378
the Revised Code; 379

(7) The combined average daily membership of children with 380
disabilities reported under division (A) (1) or (2) of this section 381
receiving special education services for category three 382
disabilities described in division (C) of section 3317.013 of the 383
Revised Code, including children attending a special education 384
program operated by an alternative public provider or a registered 385
private provider with a scholarship awarded under sections 3310.51 386
to 3310.64 of the Revised Code; 387

(8) The combined average daily membership of children with 388
disabilities reported under division (A) (1) or (2) of this section 389
receiving special education services for category four 390
disabilities described in division (D) of section 3317.013 of the 391
Revised Code, including children attending a special education 392
program operated by an alternative public provider or a registered 393
private provider with a scholarship awarded under sections 3310.51 394
to 3310.64 of the Revised Code; 395

(9) The combined average daily membership of children with 396
disabilities reported under division (A) (1) or (2) of this section 397
receiving special education services for the category five 398
disabilities described in division (E) of section 3317.013 of the 399
Revised Code, including children attending a special education 400
program operated by an alternative public provider or a registered 401
private provider with a scholarship awarded under sections 3310.51 402
to 3310.64 of the Revised Code; 403

(10) The combined average daily membership of children with 404
disabilities reported under division (A) (1) or (2) and under 405
division (B) (3) (h) of this section receiving special education 406
services for category six disabilities described in division (F) 407

of section 3317.013 of the Revised Code, including children 408
attending a special education program operated by an alternative 409
public provider or a registered private provider with a 410
scholarship awarded under either section 3310.41 or sections 411
3310.51 to 3310.64 of the Revised Code; 412

(11) The average daily membership of pupils reported under 413
division (A) (1) or (2) of this section enrolled in category one 414
vocational education programs or classes, described in division 415
(A) of section 3317.014 of the Revised Code, operated by the 416
school district or by another district, other than a joint 417
vocational school district, or by an educational service center, 418
excluding any student reported under division (B) (3) (e) of this 419
section as enrolled in an internet- or computer-based community 420
school, notwithstanding division (C) of section 3317.02 of the 421
Revised Code and division (C) (3) of this section; 422

(12) The average daily membership of pupils reported under 423
division (A) (1) or (2) of this section enrolled in category two 424
vocational education programs or services, described in division 425
(B) of section 3317.014 of the Revised Code, operated by the 426
school district or another school district, other than a joint 427
vocational school district, or by an educational service center, 428
excluding any student reported under division (B) (3) (e) of this 429
section as enrolled in an internet- or computer-based community 430
school, notwithstanding division (C) of section 3317.02 of the 431
Revised Code and division (C) (3) of this section; 432

Beginning with fiscal year 2010, vocational education ADM 433
shall not be used to calculate a district's funding but shall be 434
reported under divisions (B) (11) and (12) of this section for 435
statistical purposes. 436

(13) The average number of children transported by the school 437
district on board-owned or contractor-owned and -operated buses, 438

reported in accordance with rules adopted by the department of
education;

(14) (a) The number of children, other than preschool children
with disabilities, the district placed with a county DD board in
fiscal year 1998;

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

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

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

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

(f) The number of children with disabilities, other than
preschool children with disabilities, placed with a county DD
board 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 DD board 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.

(C) (1) The average daily membership in divisions (B) (1) to (12) of this section shall be based upon the number of full-time equivalent students. The state board of education shall adopt rules defining full-time equivalent students and for determining the average daily membership therefrom for the purposes of divisions (A), (B), and (D) of this section. Each student enrolled in kindergarten shall be counted as one full-time equivalent student regardless of whether the student is enrolled in a part-day or all-day kindergarten class.

(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 and, if applicable, the category one, two, three, four, five, or six special education ADM of the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code for the same proportion of the school year that the student is counted in the enrollment of the community school, the science, technology, engineering, and mathematics school, or the college-preparatory boarding school for purposes of section 3314.08, 3326.33, or 3328.24 of the Revised Code. Notwithstanding the number of students reported pursuant to division (B) (3) (d), (e), (j), or (k) of this section, the department may adjust the formula ADM of a school district to account for students entitled to attend school in the district under section 3313.64 or 3313.65

of the Revised Code who are enrolled in a community school, a
science, technology, engineering, and mathematics school, or a
college-preparatory boarding school for only a portion of the
school year.

(3) No child shall be counted as more than a total of one
child in the sum of the average daily memberships of a school
district under division (A), divisions (B)(1) to (12), or division
(D) of this section, except as follows:

(a) A child with a disability described in section 3317.013
of the Revised Code may be counted both in formula ADM and in
category one, two, three, four, five, or six special education ADM
and, if applicable, in category one or two vocational education
ADM. As provided in division (C) of section 3317.02 of the Revised
Code, such a child shall be counted in category one, two, three,
four, five, or six special education ADM in the same proportion
that the child is counted in formula ADM.

(b) A child enrolled in vocational education programs or
classes described in section 3317.014 of the Revised Code may be
counted both in formula ADM and category one or two vocational
education ADM and, if applicable, in category one, two, three,
four, five, or six special education ADM. Such a child shall be
counted in category one or two vocational education ADM in the
same proportion as the percentage of time that the child spends in
the vocational education programs or classes.

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

(D)(1) The superintendent of each joint vocational school
district shall certify to the superintendent of public instruction
on or before the fifteenth day of October in each year for the

first full school week in October the formula ADM, for purposes of 531
section 3318.42 of the Revised Code and for any other purpose 532
prescribed by law for which "formula ADM" of the joint vocational 533
district is a factor. If a school operated by the joint vocational 534
school district is closed for one or more days during that week 535
due to hazardous weather conditions or other circumstances 536
described in the first paragraph of division (B) of section 537
3317.01 of the Revised Code, the superintendent may apply to the 538
superintendent of public instruction for a waiver, under which the 539
superintendent of public instruction may exempt the district 540
superintendent from certifying the formula ADM for that school for 541
that week and specify an alternate week for certifying the formula 542
ADM of that school. 543

The formula ADM, except as otherwise provided in this 544
division, shall consist of the average daily membership during 545
such week, on an FTE basis, of the number of students receiving 546
any educational services from the district, including students 547
enrolled in a community school established under Chapter 3314. or 548
a science, technology, engineering, and mathematics school 549
established under Chapter 3326. of the Revised Code who are 550
attending the joint vocational district under an agreement between 551
the district board of education and the governing authority of the 552
community school or the governing body of the science, technology, 553
engineering, and mathematics school and are entitled to attend 554
school in a city, local, or exempted village school district whose 555
territory is part of the territory of the joint vocational 556
district. 557

The following categories of students shall not be included in 558
the determination made under division (D)(1) of this section: 559

(a) Students enrolled in adult education classes; 560

(b) Adjacent or other district joint vocational students 561

enrolled in the district under an open enrollment policy pursuant 562
to section 3313.98 of the Revised Code; 563

(c) Students receiving services in the district pursuant to a 564
compact, cooperative education agreement, or a contract, but who 565
are entitled to attend school in a city, local, or exempted 566
village school district whose territory is not part of the 567
territory of the joint vocational district; 568

(d) Students for whom tuition is payable pursuant to sections 569
3317.081 and 3323.141 of the Revised Code. 570

(2) To enable the department of education to obtain the data 571
needed to complete the calculation of payments pursuant to this 572
chapter, in addition to the formula ADM, each superintendent shall 573
report separately the average daily membership included in the 574
report under division (D) (1) of this section for each of the 575
following categories of students for the same week for which 576
formula ADM is certified: 577

(a) Students enrolled in each individual grade included in 578
the joint vocational district schools; 579

(b) Children with disabilities receiving special education 580
services for the category one disability described in division (A) 581
of section 3317.013 of the Revised Code; 582

(c) Children with disabilities receiving special education 583
services for the category two disabilities described in division 584
(B) of section 3317.013 of the Revised Code; 585

(d) Children with disabilities receiving special education 586
services for category three disabilities described in division (C) 587
of section 3317.013 of the Revised Code; 588

(e) Children with disabilities receiving special education 589
services for category four disabilities described in division (D) 590
of section 3317.013 of the Revised Code; 591

(f) Children with disabilities receiving special education 592
services for the category five disabilities described in division 593
(E) of section 3317.013 of the Revised Code; 594

(g) Children with disabilities receiving special education 595
services for category six disabilities described in division (F) 596
of section 3317.013 of the Revised Code; 597

(h) Students receiving category one vocational education 598
services, described in division (A) of section 3317.014 of the 599
Revised Code; 600

(i) Students receiving category two vocational education 601
services, described in division (B) of section 3317.014 of the 602
Revised Code. 603

The superintendent of each joint vocational school district 604
shall also indicate the city, local, or exempted village school 605
district in which each joint vocational district pupil is entitled 606
to attend school pursuant to section 3313.64 or 3313.65 of the 607
Revised Code. 608

(E) In each school of each city, local, exempted village, 609
joint vocational, and cooperative education school district there 610
shall be maintained a record of school membership, which record 611
shall accurately show, for each day the school is in session, the 612
actual membership enrolled in regular day classes. For the purpose 613
of determining average daily membership, the membership figure of 614
any school shall not include any pupils except those pupils 615
described by division (A) of this section. The record of 616
membership for each school shall be maintained in such manner that 617
no pupil shall be counted as in membership prior to the actual 618
date of entry in the school and also in such manner that where for 619
any cause a pupil permanently withdraws from the school that pupil 620
shall not be counted as in membership from and after the date of 621
such withdrawal. There shall not be included in the membership of 622

any school any of the following: 623

(1) Any pupil who has graduated from the twelfth grade of a 624
public or nonpublic high school; 625

(2) Any pupil who is not a resident of the state; 626

(3) Any pupil who was enrolled in the schools of the district 627
during the previous school year when assessments were administered 628
under section 3301.0711 of the Revised Code but did not take one 629
or more of the assessments required by that section and was not 630
excused pursuant to division (C) (1) or (3) of that section; 631

(4) Any pupil who has attained the age of twenty-two years, 632
except for veterans of the armed services whose attendance was 633
interrupted before completing the recognized twelve-year course of 634
the public schools by reason of induction or enlistment in the 635
armed forces and who apply for reenrollment in the public school 636
system of their residence not later than four years after 637
termination of war or their honorable discharge. 638

If, however, any veteran described by division (E) (4) of this 639
section elects to enroll in special courses organized for veterans 640
for whom tuition is paid under the provisions of federal laws, or 641
otherwise, that veteran shall not be included in average daily 642
membership. 643

Notwithstanding division (E) (3) of this section, the 644
membership of any school may include a pupil who did not take an 645
assessment required by section 3301.0711 of the Revised Code if 646
the superintendent of public instruction grants a waiver from the 647
requirement to take the assessment to the specific pupil and a 648
parent is not paying tuition for the pupil pursuant to section 649
3313.6410 of the Revised Code. The superintendent may grant such a 650
waiver only for good cause in accordance with rules adopted by the 651
state board of education. 652

Except as provided in divisions (B) (2) and (F) of this section, the average daily membership figure of any local, city, exempted village, or joint vocational school district shall be determined by dividing the figure representing the sum of the number of pupils enrolled during each day the school of attendance is actually open for instruction during the week for which the average daily membership is being certified by the total number of days the school was actually open for instruction during that week. For purposes of state funding, "enrolled" persons are only those pupils who are attending school, those who have attended school during the current school year and are absent for authorized reasons, and those children with disabilities currently receiving home instruction.

The average daily membership figure of any cooperative education school district shall be determined in accordance with rules adopted by the state board of education.

(F) (1) If the formula ADM for the first full school week in February is at least three per cent greater than that certified for the first full school week in the preceding October, the superintendent of schools of any city, exempted village, or joint vocational school district or educational service center shall certify such increase to the superintendent of public instruction. Such certification shall be submitted no later than the fifteenth day of February. For the balance of the fiscal year, beginning with the February payments, the superintendent of public instruction shall use the increased formula ADM in calculating or recalculating the amounts to be allocated in accordance with section 3317.022 or 3317.16 of the Revised Code. In no event shall the superintendent use an increased membership certified to the superintendent after the fifteenth day of February. Division (F) (1) of this section does not apply after fiscal year 2006.

(2) If on the first school day of April the total number of classes or units for preschool children with disabilities that are eligible for approval under division (B) of section 3317.05 of the Revised Code exceeds the number of units that have been approved for the year under that division, the superintendent of schools of any city, exempted village, or cooperative education school district or educational service center shall make the certifications required by this section for that day. If the department determines additional units can be approved for the fiscal year within any limitations set forth in the acts appropriating moneys for the funding of such units, the department shall approve additional units for the fiscal year on the basis of such average daily membership. For each unit so approved, the department shall pay an amount computed in the manner prescribed in section 3317.052 or 3317.19 and section 3317.053 of the Revised Code.

(3) If a student attending a community school 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 is not included in the formula ADM certified for the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code, the department of education shall adjust the formula ADM of that school district to include the student in accordance with division (C) (2) of this section, and shall recalculate the school district's payments under this chapter for the entire fiscal year on the basis of that adjusted formula ADM. This requirement applies regardless of whether the student was enrolled, as defined in division (E) of this section, in the community school, the science, technology, engineering, and mathematics school, or the college-preparatory boarding school during the week for which the formula ADM is being

certified.

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(4) If a student awarded an educational choice scholarship is not included in the formula ADM of the school district from which the department deducts funds for the scholarship under section 3310.08 of the Revised Code, the department shall adjust the formula ADM of that school district to include the student to the extent necessary to account for the deduction, and shall recalculate the school district's payments under this chapter for the entire fiscal year on the basis of that adjusted formula ADM. This requirement applies regardless of whether the student was enrolled, as defined in division (E) of this section, in the chartered or approved nonpublic school, the school district, or a community school during the week for which the formula ADM is being certified.

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(5) If a student awarded a scholarship under the Jon Peterson special needs scholarship program is not included in the formula ADM of the school district from which the department deducts funds for the scholarship under section 3310.55 of the Revised Code, the department shall adjust the formula ADM of that school district to include the student to the extent necessary to account for the deduction, and shall recalculate the school district's payments under this chapter for the entire fiscal year on the basis of that adjusted formula ADM. This requirement applies regardless of whether the student was enrolled, as defined in division (E) of this section, in an alternative public provider, a registered private provider, or the school district during the week for which the formula ADM is being certified.

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(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 state board of education, in the

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manner prescribed by the superintendent of public instruction,
both of the following:

(i) The average daily membership 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;

(ii) The average daily membership of all preschool children with disabilities in classes or programs approved annually by the department of education for unit funding under section 3317.05 of the Revised Code.

(b) The superintendent of an institution with vocational education units approved under division (A) of section 3317.05 of the Revised Code shall, for the units under the superintendent's supervision, certify to the state board of education the average daily membership in those units, in the manner prescribed by the superintendent of public instruction.

(2) The superintendent of each county DD board that maintains special education classes under section 3317.20 of the Revised Code or units approved pursuant to section 3317.05 of the Revised Code shall do both of the following:

(a) Certify to the state board, in the manner prescribed by the board, the average daily membership in classes under section 3317.20 of the Revised Code for each school district that has placed children in the classes;

(b) Certify to the state board, in the manner prescribed by the board, the number of all preschool children with disabilities enrolled as of the first day of December in classes eligible for approval under division (B) of section 3317.05 of the Revised Code, and the number of those classes.

(3)(a) If on the first school day of April the number of 777
classes or units maintained for preschool children with 778
disabilities by the county DD board that are eligible for approval 779
under division (B) of section 3317.05 of the Revised Code is 780
greater than the number of units approved for the year under that 781
division, the superintendent shall make the certification required 782
by this section for that day. 783

(b) If the department determines that additional classes or 784
units can be approved for the fiscal year within any limitations 785
set forth in the acts appropriating moneys for the funding of the 786
classes and units described in division (G)(3)(a) of this section, 787
the department shall approve and fund additional units for the 788
fiscal year on the basis of such average daily membership. For 789
each unit so approved, the department shall pay an amount computed 790
in the manner prescribed in sections 3317.052 and 3317.053 of the 791
Revised Code. 792

(H) Except as provided in division (I) of this section, when 793
any city, local, or exempted village school district provides 794
instruction for a nonresident pupil whose attendance is 795
unauthorized attendance as defined in section 3327.06 of the 796
Revised Code, that pupil's membership shall not be included in 797
that district's membership figure used in the calculation of that 798
district's formula ADM or included in the determination of any 799
unit approved for the district under section 3317.05 of the 800
Revised Code. The reporting official shall report separately the 801
average daily membership of all pupils whose attendance in the 802
district is unauthorized attendance, and the membership of each 803
such pupil shall be credited to the school district in which the 804
pupil is entitled to attend school under division (B) of section 805
3313.64 or section 3313.65 of the Revised Code as determined by 806
the department of education. 807

(I) (1) A city, local, exempted village, or joint vocational school district admitting a scholarship student of a pilot project district pursuant to division (C) of section 3313.976 of the Revised Code may count such student in its average daily membership.

(2) In any year for which funds are appropriated for pilot project scholarship programs, a school district implementing a state-sponsored pilot project scholarship program that year pursuant to sections 3313.974 to 3313.979 of the Revised Code may count in average daily membership:

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

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

(J) The superintendent of each cooperative education school district shall certify to the superintendent of public instruction, in a manner prescribed by the state board of education, the applicable average daily memberships for all students in the cooperative education district, also indicating the city, local, or exempted village district where each pupil is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(K) If the superintendent of public instruction determines that a component of the average daily membership certified or reported by a district superintendent, or other reporting entity, is not correct, the superintendent of public instruction may order that the formula ADM used for the purposes of payments under any section of Title XXXIII of the Revised Code be adjusted in the amount of the error."

In line 10590, after "3302.25," insert "3310.01, 3310.02,"; 839
 after "3310.03," insert "3310.04, 3310.06, 3310.07,"; after 840
 "3310.08," insert "3310.10, 3310.11, 3310.13, 3310.14,"; after 841
 "3310.15," insert "3310.17," 842

In line 10594, after "3317.01," insert "3317.03," 843

In line 4 of the title, after "3302.25," insert "3310.01, 844
 3310.02,"; after "3310.03," insert "3310.04, 3310.06, 3310.07," 845

In line 5 of the title, after "3310.08," insert "3310.10, 846
 3310.11, 3310.13, 3310.14,"; after "3310.15," insert "3310.17," 847

In line 9 of the title, after "3317.01," insert "3317.03," 848

The motion was _____ agreed to.

SYNOPSIS

Use of Ed Choice Scholarships 849

R.C. 3310.01, 3310.02, 3310.03, 3310.04, 3310.06, 3310.07, 850
 3310.08, 3310.10, 3310.11, 3310.13, 3310.14, 3310.15, 3310.17, and 851
 3317.03 852

Allows an Educational Choice Scholarship to be used at an 853
 "approved nonpublic school" that: 854

(1) Is in the process of becoming chartered and has received 855
 a letter of preliminary approval to operate from the Department of 856
 Education within the last three years; and 857

(2) By April 1 prior to the school year for which the school 858
 intends to begin enrolling scholarship students, files with the 859
 Superintendent of Public Instruction either: 860

(a) A surety bond or letter of credit in an amount equal to 861

one-half of the amount of Ed Choice scholarship funds the school 862
expects to receive for the school year; or 863

(b) A guarantee in the amount of \$1 million from a person or 864
organization with a net worth of at least \$5 million. 865

(Under current law, Ed Choice scholarships may be used only 866
at chartered nonpublic schools.) 867

5 _____ moved to amend as follows:

6 Delete lines 17186 through 17209 and insert:

7 **"Section 733.30.** The State Board of Education and the
8 Early Childhood Advisory Council jointly shall develop
9 legislative recommendations regarding the state's policies on
10 literacy education for individuals from birth through third
11 grade, with the goal of increasing kindergarten readiness,
12 reading proficiency in kindergarten through third grade, and
13 increasing school success and college- and career-readiness for
14 Ohio's children. The State Board of Education and the Early
15 Childhood Advisory Council shall submit the recommendations to
16 the Governor and the General Assembly, in accordance with
17 section 101.68 of the Revised Code, and to each member of the
18 Children's Caucus within the General Assembly, not later than
19 February 28, 2013. The recommendations shall address all of the
20 following:

21 (A) Alignment of the state's policies and resources for
22 reading readiness and proficiency from birth through third
23 grade, including literacy standards, evidence-based curricula,

24 professional development, instructional practices, and
25 assessments to reduce early learning difficulties and to ensure
26 third grade reading proficiency;

27 (B) Identification of birth through kindergarten entry
28 strategies that reduce the kindergarten readiness gap, increase
29 literacy success throughout the K-12 continuum, and increase
30 college- and career-readiness;

31 (C) Recommendations for implementing reading proficiency
32 strategies."

33 The motion was _____ agreed to.

34 SYNOPSIS

35 **Literacy Education - Birth to Third Grade**

36 **Section 733.30**

37 Replaces the Senate-passed provision that requires the
38 Department of Education and the Governor's Director of 21st
39 Century Education to develop legislative recommendations
40 regarding the state's policies on reading readiness for children
41 from birth through third grade, with a requirement that the
42 State Board of Education and the Early Childhood Advisory
43 Council jointly develop legislative recommendations on the
44 state's policies on literacy education of children from birth to
45 third grade. The joint recommendations are due to the Governor
46 and members of the General Assembly, namely members of the
47 General Assembly's Children's Caucus, not later than February
48 28, 2013.

5 _____ moved to amend as follows:

6 In line 57, delete "3318.023,"

7 Delete lines 4730 through 4747

8 In line 5083, delete all after "3318.05"

9 In line 5084, delete all before "of"

10 Delete lines 5093 through 5095 and retain the paragraph
11 break

12 In line 9824, delete "3318.023,"

13 In line 9 of the title, delete "3318.023,"

14 The motion was _____ agreed to.

15 SYNOPSIS

16 **Expedited Local Partnership Program**

17 **R.C. 3318.023 and 3318.364**

18 Removes the bill's provision giving priority over "next
19 ten" districts for Expedited Local Partnership (ELLP) school
20 districts offered early state funding. The amendment is silent
21 on whether the "next ten" districts have priority over the ELLP
22 districts, however. (The bill authorizes the School Facilities
23 Commission to offer state funding under the main Classroom
24 Facilities Assistance Program (CFAP) to ELLP districts earlier
25 than they would otherwise be eligible for state funds based on

26 their wealth percentiles. The bill also specifies that these
27 ELLP districts do not have priority over (1) districts for which
28 earlier funding offers lapsed, (2) districts only partially
29 served under pre-1997 programs, (3) urban districts, and (4)
30 districts receiving funding under the Exceptional Needs Program.
31 Although the amendment removes "next ten" districts from the
32 list of districts over which ELLP districts would have priority,
33 it does not correspondingly add "next ten" districts to the list
34 of districts with stated priority over ELLP districts. Each
35 fiscal year, the Commission must determine which districts are
36 likely the "next ten districts" to be offered CFAP funding,
37 after all of the priority districts have been funded.)

38 Removes the bill's condition that lapsed districts must
39 have received new conditional approvals from the commission in
40 order to have priority over ELLP districts. Lapsed districts
41 still have priority under the bill, but apparently, as a result
42 of the amendment, their priority might not depend on whether
43 they have received new conditional approvals for their projects
44 from the Commission.

5 _____ moved to amend as follows:

6 In line 10602, delete "and" and insert a comma; after
7 "3319.58" insert ", and 3324.08"

8 In line 23 of the title, delete "and" and insert a comma;
9 after "3319.58" insert ", and 3324.08"

10 The motion was _____ agreed to.

11 SYNOPSIS

12 **Gifted Education Coordinators**

13 **R.C. 3324.08 (repealed)**

14 Repeals the provision enacted in 2011 by H.B. 153
15 authorizing a school district principal or any other person
16 employed by and assigned to a school district school to also
17 serve as the school district's gifted education coordinator, if
18 qualified to do so under the State Board of Education's rules.

5 _____ moved to amend as follows:

6 In line 68, after "3314.15," insert "3314.39,"

7 Between lines 5384 and 5385, insert:

8 "Sec. 3314.39. (A) Notwithstanding any provision to the
9 contrary in this chapter, the provisions of this section prevail
10 over conflicting provisions of other sections or items of law of
11 this chapter. However, except as provided otherwise in this
12 section, each community school established under this section
13 shall operate in accordance with the provisions of this chapter.

14 (B) Not later than January 31, 2013, the department of
15 education shall issue a request for proposals to establish and
16 operate a new start-up community school in each region of the
17 educational regional service system, as prescribed by section
18 3312.02 of the Revised Code, to serve primarily students
19 identified as gifted under Chapter 3324. of the Revised Code.

20 A proposal may be submitted by any school district,
21 educational service center, institution of higher education,
22 another community school, a STEM school established under

23 Chapter 3326. of the Revised Code, or a consortium of two or
24 more such entities.

25 The department shall select an entity to operate each of
26 the community schools based upon the following criteria:

27 (1) Capacity to provide the necessary facilities,
28 appropriately trained personnel, and other resources;

29 (2) Capability to serve identified gifted students in the
30 region through one or more facilities;

31 (3) Evidence that the entity will work collaboratively
32 with other school districts and community schools in the region;

33 (4) Evidence of an appropriate governance structure for
34 the school;

35 (5) A memorandum of understanding with an entity eligible
36 to sponsor community schools under section 3314.02 of the
37 Revised Code to sponsor the school;

38 (6) Intent of the entity to open the school by September
39 30, 2014.

40 (C) A proposal may include recommendations for an
41 alternate funding formula to calculate, or an alternate method
42 to transmit, the amount to be paid to a community school
43 established under this section. That alternate funding formula
44 or alternate method to transmit payment shall not be implemented

45 unless expressly approved by the superintendent of public
46 instruction. No alternate funding formula or alternate method
47 to transmit payment approved under this division shall result in
48 any of the following:

49 (1) A deduction from any school district for payments for
50 a student enrolled in the community school that are greater than
51 the aggregate amount that would be deducted under sections
52 3314.08 and 3314.13 of the Revised Code for that student;

53 (2) A tuition charge for any student enrolled in the
54 school;

55 (3) Denial of admission to the school of any identified
56 gifted student residing in the state.

57 (D) If no entity responds to the request for proposals or
58 submits a proposal that satisfies the criteria prescribed by
59 divisions (B)(1) to (6) of this section to operate a community
60 school for a region, the department may select a school
61 district, educational service center, institution of higher
62 education, or STEM school to establish and operate the school
63 for that region. In the event that the department selects a
64 school district, educational service center, institution of
65 higher education, or STEM school under this division to operate
66 the school and no entity eligible to sponsor community schools

under section 3314.02 of Revised Code can be contracted to
sponsor the school, the office of Ohio school sponsorship within
the department shall act as the school's sponsor and shall have
all of the powers and duties that apply to sponsors under this
chapter, except that the office shall not be entitled to a
sponsorship fee as otherwise authorized under division (B) of
section 3314.029 or division (C) of section 3314.03 of the
Revised Code. Community schools sponsored by the office under
this division shall not apply to the limit on directly
authorized community schools under division (A)(3) of section
3314.029 of the Revised Code.

(E) The entity selected by the department to operate each
community school shall be considered the school's operator and
shall comply with all provisions of this chapter. Each school
established under this section shall not be an internet- or
other computer-based community school, but it may use internet-
or other computer-based methods to provide services to enrolled
students. The school may operate in multiple facilities in more
than one school district. The school shall not be required to
operate any facility in a challenged school district. Each
school shall be open to all identified gifted students residing
in the state."

89 In line 20 of the title, after "3314.15," insert "3314.39,"

90 The motion was _____ agreed to.

91 SYNOPSIS

92 **Regional Community Schools for Identified Gifted Students**

93 **R.C. 3314.39**

94 Requires the Department of Education to issue a request for
95 proposals for the establishment of a start-up community school
96 in each of the sixteen regions of the Educational Regional
97 Service System to serve primarily identified gifted students.
98 The Department must select an educational service center (ESC),
99 school district, another community school, STEM school,
100 institution of higher education, or a consortium of such
101 entities to establish and operate each of the new community
102 schools in accordance with prescribed criteria.

103 The criteria are: (1) capacity to provide the necessary
104 facilities, appropriated personnel, and other resources, (2)
105 capability to serve identified gifted students in the region
106 through one or more facilities, (3) evidence that the entity
107 will work collaboratively with other school districts and
108 community schools in the region, (4) evidence of an appropriate
109 governance structure for the school, (5) a memorandum of
110 understanding with an entity eligible to sponsor community
111 schools, and (6) intent to open the community school by
112 September 30, 2014. Subject to approval by the state
113 Superintendent, the school may operate under an alternate
114 funding formula or alternate method to transmit payment for
115 students enrolled in the school, as long as neither results in a
116 deduction from a student's resident school district that is
117 greater than it would be under current law, a tuition charge for
118 a student, or denial of admission to any identified gifted
119 student in the state.

120 If no entity responds to the request for proposals or
121 submits a proposal that meets the criteria, the Department may

122 select an ESC, school district, institution of higher education,
123 or STEM school to establish and operate the school for each
124 region, in which case the Department's Office of Ohio School
125 Sponsorship may serve as the school's sponsor.

126 Each new community school may operate in multiple
127 facilities in more than one school district (as generally
128 prohibited for other community schools under current law), is
129 not required to operate in a "challenged school district" (as
130 required of other start-up community schools under current law),
131 and must be open to all identified gifted students residing in
132 the state.

Sub. S.B. 316
LSC 129 2424-4
HC-0696

_____ moved to amend as follows:

In line 59, after "3326.03," insert "3326.04, 3326.10," 1

Between lines 6284 and 6285, insert: 2

"The STEM committee may approve one or more STEM schools to 3
serve only students identified as gifted under Chapter 3324. of 4
the Revised Code." 5

Between lines 6350 and 6351, insert: 6

"Sec. 3326.04. (A) The STEM committee shall award grants to 7
support the operation of STEM programs of excellence to serve 8
students in any of grades kindergarten through eight through a 9
request for proposals. 10

(B) Proposals may be submitted by any of the following: 11

(1) The board of education of a city, exempted village, or 12
local school district; 13

(2) The governing authority of a community school established 14
under Chapter 3314. of the Revised Code. 15

(C) Each proposal shall demonstrate to the satisfaction of 16
the STEM committee that the program meets at least the following 17
standards: 18

(1) The Unless the program is designed to serve only students 19

identified as gifted under Chapter 3324. of the Revised Code, the 20
program will serve all students enrolled in the district or school 21
in the grades for which the program is designed. 22

(2) The program will offer a rigorous and diverse curriculum 23
that is based on scientific inquiry and technological design, that 24
emphasizes personalized learning and teamwork skills, and that 25
will expose students to advanced scientific concepts within and 26
outside the classroom. 27

(3) The Unless the program is designed to serve only students 28
identified as gifted under Chapter 3324. of the Revised Code, the 29
program will not limit participation of students on the basis of 30
intellectual ability, measures of achievement, or aptitude. 31

(4) The program will utilize an established capacity to 32
capture and share knowledge for best practices and innovative 33
professional development. 34

(5) The program will operate in collaboration with a 35
partnership that includes institutions of higher education and 36
businesses. 37

(6) The program will include teacher professional development 38
strategies that are augmented by community and business partners. 39

(D) The STEM committee shall give priority to proposals for 40
new or expanding innovative programs. 41

Sec. 3326.10. Each science, technology, engineering, and 42
mathematics school shall adopt admission procedures that specify 43
the following: 44

(A) (1) Admission shall be open to individuals entitled and 45
eligible to attend school pursuant to section 3313.64 or 3313.65 46
of the Revised Code in a school district in the state. 47

(2) Students who are not residents of Ohio shall not be 48

permitted to enroll in a science, technology, engineering, and
mathematics school.

(B) There will be no discrimination in the admission of
students to the school on the basis of race, creed, color,
disability, or sex.

(C) The school will comply with all federal and state laws
regarding the education of students with disabilities.

(D) ~~The~~ Unless the school serves only students identified as
gifted under Chapter 3324. of the Revised Code, the school will
not limit admission to students on the basis of intellectual
ability, measures of achievement or aptitude, or athletic or
artistic ability, ~~the~~.

(E) The school will assert its best effort to attract a
diverse student body that reflects the community, ~~and~~ and the school
will recruit students from disadvantaged and underrepresented
groups."

In line 9826, after "3326.03," insert "3326.04, 3326.10,"

In line 12 of the title, after "3326.03," insert "3326.04,
3326.10,"

The motion was _____ agreed to.

SYNOPSIS

STEM Schools and STEM Grants for Gifted Students

R.C. 3326.03, 3326.04, and 3326.10

Allows the STEM Committee to approve one or more science,
technology, engineering, and math (STEM) schools to serve only
gifted students.

Exempts STEM schools, and STEM programs awarded grants by the	73
STEM Committee, from the prohibitions in current law against	74
restricting participation based on intellectual ability or other	75
measures of achievement or aptitude, if the schools or programs	76
serve only gifted students.	77

Sub. S.B. 316

As Passed by the Senate

HC-0697

_____ moved to amend as follows:

In line 53, after "sections" insert "124.38," 1

Between lines 70 and 71, insert: 2

"Sec. 124.38. Each of the following shall be entitled for 3
each completed eighty hours of service to sick leave of four and 4
six-tenths hours with pay: 5

(A) Employees in the various offices of the county, 6
municipal, and civil service township service; other than 7
superintendents and management employees, as defined in section 8
5126.20 of the Revised Code, of county boards of developmental 9
disabilities; 10

(B) Employees of any state college or university; 11

(C) ~~Employees~~ Any employee of any board of education for whom 12
sick leave is not provided by section 3319.141 of the Revised 13
Code, provided that the employee is not a substitute, adult 14
education instructor who is scheduled to work the full-time 15
equivalent of less than one hundred twenty days per school year, 16
or a person who is employed on an as-needed, seasonal, or 17
intermittent basis. 18

Employees may use sick leave, upon approval of the 19
responsible administrative officer of the employing unit, for 20

absence due to personal illness, pregnancy, injury, exposure to
contagious disease that could be communicated to other employees,
and illness, injury, or death in the employee's immediate family.
Unused sick leave shall be cumulative without limit. When sick
leave is used, it shall be deducted from the employee's credit on
the basis of one hour for every one hour of absence from
previously scheduled work.

The previously accumulated sick leave of an employee who has
been separated from the public service shall be placed to the
employee's credit upon the employee's re-employment in the public
service, provided that the re-employment takes place within ten
years of the date on which the employee was last terminated from
public service. This ten-year period shall be tolled for any
period during which the employee holds elective public office,
whether by election or by appointment.

An employee who transfers from one public agency to another
shall be credited with the unused balance of the employee's
accumulated sick leave up to the maximum of the sick leave
accumulation permitted in the public agency to which the employee
transfers.

The appointing authorities of the various offices of the
county service may permit all or any part of a person's accrued
but unused sick leave acquired during service with any regional
council of government established in accordance with Chapter 167.
of the Revised Code to be credited to the employee upon a transfer
as if the employee were transferring from one public agency to
another under this section.

The appointing authority of each employing unit shall require
an employee to furnish a satisfactory written, signed statement to
justify the use of sick leave. If medical attention is required, a
certificate stating the nature of the illness from a licensed

physician shall be required to justify the use of sick leave. 52
Falsification of either a written, signed statement or a 53
physician's certificate shall be grounds for disciplinary action, 54
including dismissal. 55

This section does not interfere with existing unused sick 56
leave credit in any agency of government where attendance records 57
are maintained and credit has been given employees for unused sick 58
leave. 59

Notwithstanding this section or any other section of the 60
Revised Code, any appointing authority of a county office, 61
department, commission, board, or body may, upon notification to 62
the board of county commissioners, establish alternative schedules 63
of sick leave for employees of the appointing authority for whom 64
the state employment relations board has not established an 65
appropriate bargaining unit pursuant to section 4117.06 of the 66
Revised Code, as long as the alternative schedules are not 67
inconsistent with the provisions of at least one collective 68
bargaining agreement covering other employees of that appointing 69
authority, if such a collective bargaining agreement exists. If no 70
such collective bargaining agreement exists, an appointing 71
authority may, upon notification to the board of county 72
commissioners, establish an alternative schedule of sick leave for 73
its employees that does not diminish the sick leave benefits 74
granted by this section." 75

In line 10587, after "sections" insert "124.38," 76

In line 1 of the title, after "sections" insert "124.38," 77

The motion was _____ agreed to.

SYNOPSIS

Sick Leave for Intermittent School District Employees	78
R.C. 124.38	79
Prohibits substitutes, adult education instructors who are	80
scheduled to work the full-time equivalent of less than 120 days	81
per school year, and persons who are employed on an as-needed,	82
seasonal, or intermittent basis from accruing sick leave under the	83
Department of Administrative Services - Personnel Law.	84

5 _____ moved to amend as follows:

6 In line 1822, delete "or"

7 In line 1823, after "Code" insert ", or chartered nonpublic
8 school"

9 The motion was _____ agreed to.

10 SYNOPSIS

11 **Digital and Blended Learning**

12 **R.C. 3302.41**

13 Includes chartered nonpublic schools in the bill's list of
14 schools (school districts, community schools, STEM schools, and
15 college-preparatory boarding schools) that may operate a blended
16 learning model, and likewise requires chartered nonpublic
17 schools that plan to commence or cease operating a blended
18 program to notify the Department of Education by July 1 of the
19 school year for which the change is effective.

20 Extends to chartered nonpublic schools the bill's
21 requirement that schools already operating a blended program on
22 the bill's effective date notify the Department within 90 days
23 after the bill's effective date and request classification as a
24 blended learning school.

Sub. S.B. 316

As Passed by the Senate

HC-0702

_____ moved to amend as follows:

In line 65, after "5104.38," insert "5709.83,"

Between lines 9695 and 9696, insert:

"Sec. 5709.83. (A) Except as otherwise provided in division
(B) or (C) of this section, prior to taking formal action to adopt
or enter into any instrument granting a tax exemption under
section 725.02, 1728.06, 5709.40, 5709.41, 5709.62, 5709.63,
5709.632, 5709.73, 5709.78, 5709.84, or 5709.88 of the Revised
Code or formally approving an agreement under section 3735.671 of
the Revised Code, or prior to forwarding an application for a tax
exemption for residential property under section 3735.67 of the
Revised Code to the county auditor, the legislative authority of
the political subdivision or housing officer shall notify the
board of education of each city, local, exempted village, or joint
vocational school district in which the proposed tax-exempted
property is located. The notice shall include a copy of the
instrument or application. The notice shall be delivered not later
than fourteen days prior to the day the legislative authority
takes formal action to adopt or enter into the instrument, or not
later than fourteen days prior to the day the housing officer
forwards the application to the county auditor. If the board of
education comments on the instrument or application to the

legislative authority or housing officer, the legislative
authority or housing officer shall consider the comments. If the
board of education of the city, local, exempted village, or joint
vocational school district so requests, the legislative authority
or the housing officer shall meet in person with a representative
designated by the board of education to discuss the terms of the
instrument or application.

(B) The notice otherwise required to be provided to boards of
education under division (A) of this section is not required if
the board has adopted a resolution waiving its right to receive
such notices, and that resolution remains in effect. If a board of
education adopts such a resolution, the board shall cause a copy
of the resolution to be certified to the legislative authority. If
the board of education rescinds such a resolution, it shall
certify notice of the rescission to the legislative authority. A
board of education may adopt such a resolution with respect to any
one or more counties, townships, or municipal corporations
situated in whole or in part within the school district.

(C) If a legislative authority is required to provide notice
to a city, local, or exempted village school district of its
intent to grant such an exemption as required by section 5709.40,
5709.41, 5709.73, or 5709.78 of the Revised Code, the legislative
authority, before adopting a resolution or ordinance under that
section, shall notify the board of education of each joint
vocational school district in which the property to be exempted is
located using the same time requirements for the notice that
applies to notices to city, local, and exempted village school
districts. ~~The notice shall be delivered not later than forty five~~
~~days before the day the legislative authority adopts a resolution~~
~~or ordinance under any of those sections.~~ The content of the
notice and procedures for responding to the notice are the same as
required in division (A) of this section."

In line 10599, after "5104.38," insert "5709.83," 54

In line 16 of the title, after "5104.38," insert "5709.83," 55

The motion was _____ agreed to.

SYNOPSIS

TIF Notification to Joint Vocational School Districts 56

R.C. 5709.83 57

States that a legislative authority enacting a tax increment 58
financing (TIF) resolution must notify a joint vocational school 59
district of pending TIF legislation according to the same time 60
requirements as apply to other school districts. Under continuing 61
law, a legislative authority intending to enact TIF legislation 62
provide notice 14 days before adoption of the legislation to any 63
school district (including joint vocational school districts) in 64
which the proposed tax-exempted property or incentive district is 65
located. Under current law, a legislative authority is required to 66
give notice 45 days before adopting a TIF resolution to a joint 67
vocational school if the legislative authority is required to give 68
45-day notice to city, local, or exempted village school districts 69
because the proposed TIF resolution would last for more than ten 70
years or authorize a tax exemption in excess of 75% of the 71
increased value of the subject property. 72

1 129SB316-HC0703.docx/ar

2 Sub. S.B. 316
3 LSC 129 2424-4
4 HC-0703

5 _____ moved to amend as follows:

6 In line 1437, delete "and" and insert an underlined comma

7 In line 1439, after the underlined comma insert "the Ohio
8 association of career and technical education, and the Ohio
9 association of career technical superintendents,"

10 The motion was _____ agreed to.

11 SYNOPSIS

12 **Joint Vocational School District Report Cards**

13 **R.C. 3302.033**

14 Includes the Ohio Association of Career and Technical
15 Education and the Ohio Association of Career Technical
16 Superintendents as organizations with which the State Board of
17 Education must consult when approving annual report cards for
18 joint vocational school districts.

5 _____ moved to amend as follows:

6 In line 220, delete everything after "means"

7 Delete lines 221 through 223 and insert "a formal education
8 program in which a student learns in part through online
9 delivery of content and instruction with some element of student
10 control over time, place, path, or pace, and in part at a
11 supervised location away from home."

12 The motion was _____ agreed to.

13 SYNOPSIS

14 **Blended Learning**

15 **R.C. 3301.079**

16 Changes the bill's definition of blended learning from "the
17 delivery of instruction in a combination of time in a supervised
18 physical location away from home and online delivery whereby the
19 student has some element of control over time, place, path, or
20 pace of learning," to "a formal education program in which a
21 student learns in part through online delivery of content and
22 instruction with some element of student control over time,
23 place, path, or pace, and in part at a supervised location away
24 from home."

Sub. S.B. 316
LSC 129 2424-4
HC-0705

_____ moved to amend as follows:

In line 51, after "sections" insert "3301.04,"

Between lines 67 and 68, insert:

"Sec. 3301.04. Between the first and thirty-first day of
January of each odd-numbered year, the state board of education
shall hold an organization meeting at which time it shall adopt
rules of procedure, elect a president and a vice-president each of
whom shall serve for two years or until the president's or
vice-president's successor is elected and qualified, and transact
such business as the board deems advisable.

The state board of education shall ~~hold regular meetings once~~
~~every three months and adopt, by the thirty-first day of March~~
~~each year, a calendar indicating the dates on which the board will~~
~~hold its regular meetings for the following fiscal year. The board~~
~~may hold special meetings on dates not indicated on the adopted~~
~~calendar~~ at such times as they may be called as provided in this
section. Special meetings of the board may be called by the
president, and, upon written request signed by at least a majority
of the members, the president shall call a special meeting of the
board. The president, or the president's designee, shall give
notice through the superintendent of public instruction ~~by~~
~~registered mail~~ to each member of the board at least ten days

prior to the time of any special meeting. The notice may be 22
delivered by regular mail or by electronic means. The state board 23
of education shall hold its meetings anywhere in Ohio designated 24
by the board." 25

In line 9818, after "sections" insert "3301.04," 26

In line 1 of the title, after "sections" insert "3301.04," 27

The motion was _____ agreed to.

SYNOPSIS

State Board of Education Meetings 28

R.C. 3301.04 29

Repeals the requirement of current law that the State Board 30
of Education hold regular meetings every three months, and instead 31
requires the State Board to annually adopt a calendar by March 31 32
indicating the dates on which it will hold its regular meetings 33
for the following fiscal year. 34

Allows notice of special meetings of the State Board to be 35
delivered to Board members electronically or by regular mail 36
(instead of by registered mail, as in current law), and permits a 37
designee of the Board president to give the notice. (The amendment 38
retains current law requiring the notice to be given at least ten 39
days before the special meeting.) 40

Sub. S.B. 316
LSC 129 2424-4
HC-0706

_____ moved to amend as follows:

In line 16095, delete "Section" and insert "Sections"; after 1
"267.10.90" insert "and 267.50.30" 2

Between lines 16138 and 16139, insert: 3

"Sec. 267.50.30. PROHIBITION FROM OPERATING FROM HOME 4

~~No~~ A community school established under Chapter 3314. of the 5
Revised Code that was ~~not~~ open for operation as a community school 6
as of May 1, 2005, ~~shall~~ may operate from ~~a~~ or in any home, as 7
defined in section 3313.64 of the Revised Code, located in the 8
state, regardless of when the community school's operations from 9
or in a particular home began." 10

In line 16139, delete "Section" and insert "Sections"; after 11
"267.10.90" insert "and 267.50.30" 12

In line 16140, delete "is" and insert "are" 13

In line 23 of the title, delete "Section" and insert 14
"Sections"; after "267.10.90" insert "and 267.50.30" 15

The motion was _____ agreed to.

SYNOPSIS

Community Schools Operating in Residential Care Facilities	16
Section 267.50.30 of H.B. 153 of the 129th General Assembly	17
Revises an uncodified provision enacted in H.B. 153 to permit	18
(rather than prohibit as under current law) a community school	19
from operating from or in a residential care facility. (The	20
current prohibition has been re-enacted in each general operating	21
budget act since 2005.)	22

Sub. S.B. 316
LSC 129 2424-4
HC-0707

_____ moved to amend as follows:

In line 60, after "4139.05," insert "4141.01,"

1

In line 65, after "4123.391," insert "4141.292,"

2

In line 6487, delete "means any program established by the
department of"

3

4

Delete lines 6488 and 6489

5

In line 6490, delete "short-term work experience placement
with an eligible employer" and insert "has the same meaning as in
section 4141.292 of the Revised Code"

6

7

8

In line 6491, after "(B)" insert "Solely for the purpose of
providing compensation and benefits as set forth in this section,
a participant in a learn to earn program is an employee of the
department, and not an employee of the entity conducting the
training."

9

10

11

12

13

(C)"; delete "participant in a"; after "program" insert
"participant who suffers an injury or contracts an occupational
disease in the course of and arising out of participation in the
learn to earn program"

14

15

16

17

In line 6492, delete "as provided in this"

18

In line 6493, delete "section"

19

Delete lines 6494 through 6530 20

In line 6531, delete "Revised Code, the" and insert: 21

"(D) (1) This chapter is the exclusive remedy for a learn to 22
earn program participant or the participant's dependents resulting 23
from the participant's injury or occupational disease received in 24
the course of and arising out of the participant's participation 25
in the program. Pursuant to section 4123.74 of the Revised Code, 26
neither the department nor the designated worksite training 27
provider shall be liable to respond in damages at common law or by 28
statute for any injury, occupational disease, or bodily condition 29
suffered or contracted by a participant in the course of or 30
arising out of participation in the program. 31

(2) Notwithstanding division (D) (1) of this section, a 32
participant or the participant's dependents do not waive any cause 33
of action for an intentional tort under section 2745.01 of the 34
Revised Code against the department or the designated worksite 35
training provider. 36

(E) The"; delete "insure the compensation and" 37

Delete line 6532 38

In line 6533, delete "department may"; after "earn" insert 39
"program" 40

Delete lines 6539 through 6544 41

Between lines 6603 and 6604, insert: 42

"Sec. 4141.01. As used in this chapter, unless the context 43
otherwise requires: 44

(A) (1) "Employer" means the state, its instrumentalities, its 45
political subdivisions and their instrumentalities, Indian tribes, 46
and any individual or type of organization including any 47

partnership, limited liability company, association, trust, 48
estate, joint-stock company, insurance company, or corporation, 49
whether domestic or foreign, or the receiver, trustee in 50
bankruptcy, trustee, or the successor thereof, or the legal 51
representative of a deceased person who subsequent to December 31, 52
1971, or in the case of political subdivisions or their 53
instrumentalities, subsequent to December 31, 1973: 54

(a) Had in employment at least one individual, or in the case 55
of a nonprofit organization, subsequent to December 31, 1973, had 56
not less than four individuals in employment for some portion of a 57
day in each of twenty different calendar weeks, in either the 58
current or the preceding calendar year whether or not the same 59
individual was in employment in each such day; or 60

(b) Except for a nonprofit organization, had paid for service 61
in employment wages of fifteen hundred dollars or more in any 62
calendar quarter in either the current or preceding calendar year; 63
or 64

(c) Had paid, subsequent to December 31, 1977, for employment 65
in domestic service in a local college club, or local chapter of a 66
college fraternity or sorority, cash remuneration of one thousand 67
dollars or more in any calendar quarter in the current calendar 68
year or the preceding calendar year, or had paid subsequent to 69
December 31, 1977, for employment in domestic service in a private 70
home cash remuneration of one thousand dollars in any calendar 71
quarter in the current calendar year or the preceding calendar 72
year: 73

(i) For the purposes of divisions (A) (1) (a) and (b) of this 74
section, there shall not be taken into account any wages paid to, 75
or employment of, an individual performing domestic service as 76
described in this division. 77

(ii) An employer under this division shall not be an employer 78

with respect to wages paid for any services other than domestic service unless the employer is also found to be an employer under division (A)(1)(a), (b), or (d) of this section.

(d) As a farm operator or a crew leader subsequent to December 31, 1977, had in employment individuals in agricultural labor; and

(i) During any calendar quarter in the current calendar year or the preceding calendar year, paid cash remuneration of twenty thousand dollars or more for the agricultural labor; or

(ii) Had at least ten individuals in employment in agricultural labor, not including agricultural workers who are aliens admitted to the United States to perform agricultural labor pursuant to sections 1184(c) and 1101(a)(15)(H) of the "Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A. 1101(a)(15)(H)(ii)(a), 1184(c), for some portion of a day in each of the twenty different calendar weeks, in either the current or preceding calendar year whether or not the same individual was in employment in each day; or

(e) Is not otherwise an employer as defined under division (A)(1)(a) or (b) of this section; and

(i) For which, within either the current or preceding calendar year, service, except for domestic service in a private home not covered under division (A)(1)(c) of this section, is or was performed with respect to which such employer is liable for any federal tax against which credit may be taken for contributions required to be paid into a state unemployment fund;

(ii) Which, as a condition for approval of this chapter for full tax credit against the tax imposed by the "Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is required, pursuant to such act to be an employer under this

chapter; or 109

(iii) Who became an employer by election under division 110
(A) (4) or (5) of this section and for the duration of such 111
election; or 112

(f) In the case of the state, its instrumentalities, its 113
political subdivisions, and their instrumentalities, and Indian 114
tribes, had in employment, as defined in divisions (B) (2) (a) and 115
(B) (2) (1) of this section, at least one individual; 116

(g) For the purposes of division (A) (1) (a) of this section, 117
if any week includes both the thirty-first day of December and the 118
first day of January, the days of that week before the first day 119
of January shall be considered one calendar week and the days 120
beginning the first day of January another week. 121

(2) Each individual employed to perform or to assist in 122
performing the work of any agent or employee of an employer is 123
employed by such employer for all the purposes of this chapter, 124
whether such individual was hired or paid directly by such 125
employer or by such agent or employee, provided the employer had 126
actual or constructive knowledge of the work. All individuals 127
performing services for an employer of any person in this state 128
who maintains two or more establishments within this state are 129
employed by a single employer for the purposes of this chapter. 130

(3) An employer subject to this chapter within any calendar 131
year is subject to this chapter during the whole of such year and 132
during the next succeeding calendar year. 133

(4) An employer not otherwise subject to this chapter who 134
files with the director of job and family services a written 135
election to become an employer subject to this chapter for not 136
less than two calendar years shall, with the written approval of 137
such election by the director, become an employer subject to this 138

chapter to the same extent as all other employers as of the date 139
stated in such approval, and shall cease to be subject to this 140
chapter as of the first day of January of any calendar year 141
subsequent to such two calendar years only if at least thirty days 142
prior to such first day of January the employer has filed with the 143
director a written notice to that effect. 144

(5) Any employer for whom services that do not constitute 145
employment are performed may file with the director a written 146
election that all such services performed by individuals in the 147
employer's employ in one or more distinct establishments or places 148
of business shall be deemed to constitute employment for all the 149
purposes of this chapter, for not less than two calendar years. 150
Upon written approval of the election by the director, such 151
services shall be deemed to constitute employment subject to this 152
chapter from and after the date stated in such approval. Such 153
services shall cease to be employment subject to this chapter as 154
of the first day of January of any calendar year subsequent to 155
such two calendar years only if at least thirty days prior to such 156
first day of January such employer has filed with the director a 157
written notice to that effect. 158

(B) (1) "Employment" means service performed by an individual 159
for remuneration under any contract of hire, written or oral, 160
express or implied, including service performed in interstate 161
commerce and service performed by an officer of a corporation, 162
without regard to whether such service is executive, managerial, 163
or manual in nature, and without regard to whether such officer is 164
a stockholder or a member of the board of directors of the 165
corporation, unless it is shown to the satisfaction of the 166
director that such individual has been and will continue to be 167
free from direction or control over the performance of such 168
service, both under a contract of service and in fact. The 169

director shall adopt rules to define "direction or control." 170

(2) "Employment" includes: 171

(a) Service performed after December 31, 1977, by an 172
individual in the employ of the state or any of its 173
instrumentalities, or any political subdivision thereof or any of 174
its instrumentalities or any instrumentality of more than one of 175
the foregoing or any instrumentality of any of the foregoing and 176
one or more other states or political subdivisions and without 177
regard to divisions (A)(1)(a) and (b) of this section, provided 178
that such service is excluded from employment as defined in the 179
"Federal Unemployment Tax Act," 53 Stat. 183, 26 U.S.C.A. 3301, 180
3306(c)(7) and is not excluded under division (B)(3) of this 181
section; or the services of employees covered by voluntary 182
election, as provided under divisions (A)(4) and (5) of this 183
section; 184

(b) Service performed after December 31, 1971, by an 185
individual in the employ of a religious, charitable, educational, 186
or other organization which is excluded from the term "employment" 187
as defined in the "Federal Unemployment Tax Act," 84 Stat. 713, 26 188
U.S.C.A. 3301 to 3311, solely by reason of section 26 U.S.C.A. 189
3306(c)(8) of that act and is not excluded under division (B)(3) 190
of this section; 191

(c) Domestic service performed after December 31, 1977, for 192
an employer, as provided in division (A)(1)(c) of this section; 193

(d) Agricultural labor performed after December 31, 1977, for 194
a farm operator or a crew leader, as provided in division 195
(A)(1)(d) of this section; 196

(e) Service not covered under division (B)(1) of this section 197
which is performed after December 31, 1971: 198

(i) As an agent-driver or commission-driver engaged in 199

distributing meat products, vegetable products, fruit products, 200
bakery products, beverages other than milk, laundry, or 201
dry-cleaning services, for the individual's employer or principal; 202

(ii) As a traveling or city salesperson, other than as an 203
agent-driver or commission-driver, engaged on a full-time basis in 204
the solicitation on behalf of and in the transmission to the 205
salesperson's employer or principal except for sideline sales 206
activities on behalf of some other person of orders from 207
wholesalers, retailers, contractors, or operators of hotels, 208
restaurants, or other similar establishments for merchandise for 209
resale, or supplies for use in their business operations, provided 210
that for the purposes of division (B)(2)(e)(ii) of this section, 211
the services shall be deemed employment if the contract of service 212
contemplates that substantially all of the services are to be 213
performed personally by the individual and that the individual 214
does not have a substantial investment in facilities used in 215
connection with the performance of the services other than in 216
facilities for transportation, and the services are not in the 217
nature of a single transaction that is not a part of a continuing 218
relationship with the person for whom the services are performed. 219

(f) An individual's entire service performed within or both 220
within and without the state if: 221

(i) The service is localized in this state. 222

(ii) The service is not localized in any state, but some of 223
the service is performed in this state and either the base of 224
operations, or if there is no base of operations then the place 225
from which such service is directed or controlled, is in this 226
state or the base of operations or place from which such service 227
is directed or controlled is not in any state in which some part 228
of the service is performed but the individual's residence is in 229
this state. 230

(g) Service not covered under division (B) (2) (f) (ii) of this section and performed entirely without this state, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state, the Virgin Islands, Canada, or of the United States, if the individual performing such service is a resident of this state and the director approves the election of the employer for whom such services are performed; or, if the individual is not a resident of this state but the place from which the service is directed or controlled is in this state, the entire services of such individual shall be deemed to be employment subject to this chapter, provided service is deemed to be localized within this state if the service is performed entirely within this state or if the service is performed both within and without this state but the service performed without this state is incidental to the individual's service within the state, for example, is temporary or transitory in nature or consists of isolated transactions;

(h) Service of an individual who is a citizen of the United States, performed outside the United States except in Canada after December 31, 1971, or the Virgin Islands, after December 31, 1971, and before the first day of January of the year following that in which the United States secretary of labor approves the Virgin Islands law for the first time, in the employ of an American employer, other than service which is "employment" under divisions (B) (2) (f) and (g) of this section or similar provisions of another state's law, if:

(i) The employer's principal place of business in the United States is located in this state;

(ii) The employer has no place of business in the United States, but the employer is an individual who is a resident of this state; or the employer is a corporation which is organized

under the laws of this state, or the employer is a partnership or
a trust and the number of partners or trustees who are residents
of this state is greater than the number who are residents of any
other state; or

(iii) None of the criteria of divisions (B) (2) (f) (i) and (ii)
of this section is met but the employer has elected coverage in
this state or the employer having failed to elect coverage in any
state, the individual has filed a claim for benefits, based on
such service, under this chapter.

(i) For the purposes of division (B) (2) (h) of this section,
the term "American employer" means an employer who is an
individual who is a resident of the United States; or a
partnership, if two-thirds or more of the partners are residents
of the United States; or a trust, if all of the trustees are
residents of the United States; or a corporation organized under
the laws of the United States or of any state, provided the term
"United States" includes the states, the District of Columbia, the
Commonwealth of Puerto Rico, and the Virgin Islands.

(j) Notwithstanding any other provisions of divisions (B) (1)
and (2) of this section, service, except for domestic service in a
private home not covered under division (A) (1) (c) of this section,
with respect to which a tax is required to be paid under any
federal law imposing a tax against which credit may be taken for
contributions required to be paid into a state unemployment fund,
or service, except for domestic service in a private home not
covered under division (A) (1) (c) of this section, which, as a
condition for full tax credit against the tax imposed by the
"Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to
3311, is required to be covered under this chapter.

(k) Construction services performed by any individual under a
construction contract, as defined in section 4141.39 of the

Revised Code, if the director determines that the employer for
whom services are performed has the right to direct or control the
performance of the services and that the individuals who perform
the services receive remuneration for the services performed. The
director shall presume that the employer for whom services are
performed has the right to direct or control the performance of
the services if ten or more of the following criteria apply:

(i) The employer directs or controls the manner or method by
which instructions are given to the individual performing
services;

(ii) The employer requires particular training for the
individual performing services;

(iii) Services performed by the individual are integrated
into the regular functioning of the employer;

(iv) The employer requires that services be provided by a
particular individual;

(v) The employer hires, supervises, or pays the wages of the
individual performing services;

(vi) A continuing relationship between the employer and the
individual performing services exists which contemplates
continuing or recurring work, even if not full-time work;

(vii) The employer requires the individual to perform
services during established hours;

(viii) The employer requires that the individual performing
services be devoted on a full-time basis to the business of the
employer;

(ix) The employer requires the individual to perform services
on the employer's premises;

(x) The employer requires the individual performing services

to follow the order of work established by the employer; 322

(xi) The employer requires the individual performing services 323
to make oral or written reports of progress; 324

(xii) The employer makes payment to the individual for 325
services on a regular basis, such as hourly, weekly, or monthly; 326

(xiii) The employer pays expenses for the individual 327
performing services; 328

(xiv) The employer furnishes the tools and materials for use 329
by the individual to perform services; 330

(xv) The individual performing services has not invested in 331
the facilities used to perform services; 332

(xvi) The individual performing services does not realize a 333
profit or suffer a loss as a result of the performance of the 334
services; 335

(xvii) The individual performing services is not performing 336
services for more than two employers simultaneously; 337

(xviii) The individual performing services does not make the 338
services available to the general public; 339

(xix) The employer has a right to discharge the individual 340
performing services; 341

(xx) The individual performing services has the right to end 342
the individual's relationship with the employer without incurring 343
liability pursuant to an employment contract or agreement. 344

(1) Service performed by an individual in the employ of an 345
Indian tribe as defined by section 4(e) of the "Indian 346
Self-Determination and Education Assistance Act," 88 Stat. 2204 347
(1975), 25 U.S.C.A. 450b(e), including any subdivision, 348
subsidiary, or business enterprise wholly owned by an Indian tribe 349
provided that the service is excluded from employment as defined 350

in the "Federal Unemployment Tax Act," 53 Stat. 1837 (1939), 26 351
U.S.C.A. 3301 and 3306(c)(7) and is not excluded under division 352
(B)(3) of this section. 353

(3) "Employment" does not include the following services if 354
they are found not subject to the "Federal Unemployment Tax Act," 355
84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the services 356
are not required to be included under division (B)(2)(j) of this 357
section: 358

(a) Service performed after December 31, 1977, in 359
agricultural labor, except as provided in division (A)(1)(d) of 360
this section; 361

(b) Domestic service performed after December 31, 1977, in a 362
private home, local college club, or local chapter of a college 363
fraternity or sorority except as provided in division (A)(1)(c) of 364
this section; 365

(c) Service performed after December 31, 1977, for this state 366
or a political subdivision as described in division (B)(2)(a) of 367
this section when performed: 368

(i) As a publicly elected official; 369

(ii) As a member of a legislative body, or a member of the 370
judiciary; 371

(iii) As a military member of the Ohio national guard; 372

(iv) As an employee, not in the classified service as defined 373
in section 124.11 of the Revised Code, serving on a temporary 374
basis in case of fire, storm, snow, earthquake, flood, or similar 375
emergency; 376

(v) In a position which, under or pursuant to law, is 377
designated as a major nontenured policymaking or advisory 378
position, not in the classified service of the state, or a 379

policymaking or advisory position the performance of the duties of 380
which ordinarily does not require more than eight hours per week. 381

(d) In the employ of any governmental unit or instrumentality 382
of the United States; 383

(e) Service performed after December 31, 1971: 384

(i) Service in the employ of an educational institution or 385
institution of higher education, including those operated by the 386
state or a political subdivision, if such service is performed by 387
a student who is enrolled and is regularly attending classes at 388
the educational institution or institution of higher education; or 389

(ii) By an individual who is enrolled at a nonprofit or 390
public educational institution which normally maintains a regular 391
faculty and curriculum and normally has a regularly organized body 392
of students in attendance at the place where its educational 393
activities are carried on as a student in a full-time program, 394
taken for credit at the institution, which combines academic 395
instruction with work experience, if the service is an integral 396
part of the program, and the institution has so certified to the 397
employer, provided that this subdivision shall not apply to 398
service performed in a program established for or on behalf of an 399
employer or group of employers. 400

(f) Service performed by an individual in the employ of the 401
individual's son, daughter, or spouse and service performed by a 402
child under the age of eighteen in the employ of the child's 403
father or mother; 404

(g) Service performed for one or more principals by an 405
individual who is compensated on a commission basis, who in the 406
performance of the work is master of the individual's own time and 407
efforts, and whose remuneration is wholly dependent on the amount 408
of effort the individual chooses to expend, and which service is 409

not subject to the "Federal Unemployment Tax Act," 53 Stat. 183 410
(1939), 26 U.S.C.A. 3301 to 3311. Service performed after December 411
31, 1971: 412

(i) By an individual for an employer as an insurance agent or 413
as an insurance solicitor, if all this service is performed for 414
remuneration solely by way of commission; 415

(ii) As a home worker performing work, according to 416
specifications furnished by the employer for whom the services are 417
performed, on materials or goods furnished by such employer which 418
are required to be returned to the employer or to a person 419
designated for that purpose. 420

(h) Service performed after December 31, 1971: 421

(i) In the employ of a church or convention or association of 422
churches, or in an organization which is operated primarily for 423
religious purposes and which is operated, supervised, controlled, 424
or principally supported by a church or convention or association 425
of churches; 426

(ii) By a duly ordained, commissioned, or licensed minister 427
of a church in the exercise of the individual's ministry or by a 428
member of a religious order in the exercise of duties required by 429
such order; or 430

(iii) In a facility conducted for the purpose of carrying out 431
a program of rehabilitation for individuals whose earning capacity 432
is impaired by age or physical or mental deficiency or injury, or 433
providing remunerative work for individuals who because of their 434
impaired physical or mental capacity cannot be readily absorbed in 435
the competitive labor market, by an individual receiving such 436
rehabilitation or remunerative work; 437

(i) Service performed after June 30, 1939, with respect to 438
which unemployment compensation is payable under the "Railroad 439

Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 351; 440

(j) Service performed by an individual in the employ of any 441
organization exempt from income tax under section 501 of the 442
"Internal Revenue Code of 1954," if the remuneration for such 443
service does not exceed fifty dollars in any calendar quarter, or 444
if such service is in connection with the collection of dues or 445
premiums for a fraternal beneficial society, order, or association 446
and is performed away from the home office or is ritualistic 447
service in connection with any such society, order, or 448
association; 449

(k) Casual labor not in the course of an employer's trade or 450
business; incidental service performed by an officer, appraiser, 451
or member of a finance committee of a bank, building and loan 452
association, savings and loan association, or savings association 453
when the remuneration for such incidental service exclusive of the 454
amount paid or allotted for directors' fees does not exceed sixty 455
dollars per calendar quarter is casual labor; 456

(l) Service performed in the employ of a voluntary employees' 457
beneficial association providing for the payment of life, 458
sickness, accident, or other benefits to the members of such 459
association or their dependents or their designated beneficiaries, 460
if admission to a membership in such association is limited to 461
individuals who are officers or employees of a municipal or public 462
corporation, of a political subdivision of the state, or of the 463
United States and no part of the net earnings of such association 464
inures, other than through such payments, to the benefit of any 465
private shareholder or individual; 466

(m) Service performed by an individual in the employ of a 467
foreign government, including service as a consular or other 468
officer or employee or of a nondiplomatic representative; 469

(n) Service performed in the employ of an instrumentality 470

wholly owned by a foreign government if the service is of a 471
character similar to that performed in foreign countries by 472
employees of the United States or of an instrumentality thereof 473
and if the director finds that the secretary of state of the 474
United States has certified to the secretary of the treasury of 475
the United States that the foreign government, with respect to 476
whose instrumentality exemption is claimed, grants an equivalent 477
exemption with respect to similar service performed in the foreign 478
country by employees of the United States and of instrumentalities 479
thereof; 480

(o) Service with respect to which unemployment compensation 481
is payable under an unemployment compensation system established 482
by an act of congress; 483

(p) Service performed as a student nurse in the employ of a 484
hospital or a nurses' training school by an individual who is 485
enrolled and is regularly attending classes in a nurses' training 486
school chartered or approved pursuant to state law, and service 487
performed as an intern in the employ of a hospital by an 488
individual who has completed a four years' course in a medical 489
school chartered or approved pursuant to state law; 490

(q) Service performed by an individual under the age of 491
eighteen in the delivery or distribution of newspapers or shopping 492
news, not including delivery or distribution to any point for 493
subsequent delivery or distribution; 494

(r) Service performed in the employ of the United States or 495
an instrumentality of the United States immune under the 496
Constitution of the United States from the contributions imposed 497
by this chapter, except that to the extent that congress permits 498
states to require any instrumentalities of the United States to 499
make payments into an unemployment fund under a state unemployment 500
compensation act, this chapter shall be applicable to such 501

instrumentalities and to services performed for such 502
instrumentalities in the same manner, to the same extent, and on 503
the same terms as to all other employers, individuals, and 504
services, provided that if this state is not certified for any 505
year by the proper agency of the United States under section 3304 506
of the "Internal Revenue Code of 1954," the payments required of 507
such instrumentalities with respect to such year shall be refunded 508
by the director from the fund in the same manner and within the 509
same period as is provided in division (E) of section 4141.09 of 510
the Revised Code with respect to contributions erroneously 511
collected; 512

(s) Service performed by an individual as a member of a band 513
or orchestra, provided such service does not represent the 514
principal occupation of such individual, and which service is not 515
subject to or required to be covered for full tax credit against 516
the tax imposed by the "Federal Unemployment Tax Act," 53 Stat. 517
183 (1939), 26 U.S.C.A. 3301 to 3311. 518

(t) Service performed in the employ of a day camp whose 519
camping season does not exceed twelve weeks in any calendar year, 520
and which service is not subject to the "Federal Unemployment Tax 521
Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service 522
performed after December 31, 1971: 523

(i) In the employ of a hospital, if the service is performed 524
by a patient of the hospital, as defined in division (W) of this 525
section; 526

(ii) For a prison or other correctional institution by an 527
inmate of the prison or correctional institution; 528

(iii) Service performed after December 31, 1977, by an inmate 529
of a custodial institution operated by the state, a political 530
subdivision, or a nonprofit organization. 531

(u) Service that is performed by a nonresident alien 532
individual for the period the individual temporarily is present in 533
the United States as a nonimmigrant under division (F), (J), (M), 534
or (Q) of section 101(a)(15) of the "Immigration and Nationality 535
Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, that is excluded 536
under section 3306(c)(19) of the "Federal Unemployment Tax Act," 537
53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. 538

(v) Notwithstanding any other provisions of division (B)(3) 539
of this section, services that are excluded under divisions 540
(B)(3)(g), (j), (k), and (l) of this section shall not be excluded 541
from employment when performed for a nonprofit organization, as 542
defined in division (X) of this section, or for this state or its 543
instrumentalities, or for a political subdivision or its 544
instrumentalities or for Indian tribes; 545

(w) Service that is performed by an individual working as an 546
election official or election worker if the amount of remuneration 547
received by the individual during the calendar year for services 548
as an election official or election worker is less than one 549
thousand dollars; 550

(x) Service performed for an elementary or secondary school 551
that is operated primarily for religious purposes, that is 552
described in subsection 501(c)(3) and exempt from federal income 553
taxation under subsection 501(a) of the Internal Revenue Code, 26 554
U.S.C.A. 501; 555

(y) Service performed by a person committed to a penal 556
institution. 557

(z) Service performed for an Indian tribe as described in 558
division (B)(2)(1) of this section when performed in any of the 559
following manners: 560

(i) As a publicly elected official; 561

(ii) As a member of an Indian tribal council; 562

(iii) As a member of a legislative or judiciary body; 563

(iv) In a position which, pursuant to Indian tribal law, is 564
designated as a major nontenured policymaking or advisory 565
position, or a policymaking or advisory position where the 566
performance of the duties ordinarily does not require more than 567
eight hours of time per week; 568

(v) As an employee serving on a temporary basis in the case 569
of a fire, storm, snow, earthquake, flood, or similar emergency. 570

(aa) Service performed after December 31, 1971, for a 571
nonprofit organization, this state or its instrumentalities, a 572
political subdivision or its instrumentalities, or an Indian tribe 573
as part of an unemployment work-relief or work-training program 574
assisted or financed in whole or in part by any federal agency or 575
an agency of a state or political subdivision, thereof, by an 576
individual receiving the work-relief or work-training. 577

(bb) Participation in a learn to earn program as defined in 578
section 4141.292 of the Revised Code. 579

(4) If the services performed during one half or more of any 580
pay period by an employee for the person employing that employee 581
constitute employment, all the services of such employee for such 582
period shall be deemed to be employment; but if the services 583
performed during more than one half of any such pay period by an 584
employee for the person employing that employee do not constitute 585
employment, then none of the services of such employee for such 586
period shall be deemed to be employment. As used in division 587
(B) (4) of this section, "pay period" means a period, of not more 588
than thirty-one consecutive days, for which payment of 589
remuneration is ordinarily made to the employee by the person 590
employing that employee. Division (B) (4) of this section does not 591

apply to services performed in a pay period by an employee for the
person employing that employee, if any of such service is excepted
by division (B) (3) (o) of this section.

(C) "Benefits" means money payments payable to an individual
who has established benefit rights, as provided in this chapter,
for loss of remuneration due to the individual's unemployment.

(D) "Benefit rights" means the weekly benefit amount and the
maximum benefit amount that may become payable to an individual
within the individual's benefit year as determined by the
director.

(E) "Claim for benefits" means a claim for waiting period or
benefits for a designated week.

(F) "Additional claim" means the first claim for benefits
filed following any separation from employment during a benefit
year; "continued claim" means any claim other than the first claim
for benefits and other than an additional claim.

(G) (1) "Wages" means remuneration paid to an employee by each
of the employee's employers with respect to employment; except
that wages shall not include that part of remuneration paid during
any calendar year to an individual by an employer or such
employer's predecessor in interest in the same business or
enterprise, which in any calendar year is in excess of eight
thousand two hundred fifty dollars on and after January 1, 1992;
eight thousand five hundred dollars on and after January 1, 1993;
eight thousand seven hundred fifty dollars on and after January 1,
1994; and nine thousand dollars on and after January 1, 1995.
Remuneration in excess of such amounts shall be deemed wages
subject to contribution to the same extent that such remuneration
is defined as wages under the "Federal Unemployment Tax Act," 84
Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as amended. The
remuneration paid an employee by an employer with respect to

employment in another state, upon which contributions were
required and paid by such employer under the unemployment
compensation act of such other state, shall be included as a part
of remuneration in computing the amount specified in this
division.

(2) Notwithstanding division (G) (1) of this section, if, as
of the computation date for any calendar year, the director
determines that the level of the unemployment compensation fund is
sixty per cent or more below the minimum safe level as defined in
section 4141.25 of the Revised Code, then, effective the first day
of January of the following calendar year, wages subject to this
chapter shall not include that part of remuneration paid during
any calendar year to an individual by an employer or such
employer's predecessor in interest in the same business or
enterprise which is in excess of nine thousand dollars. The
increase in the dollar amount of wages subject to this chapter
under this division shall remain in effect from the date of the
director's determination pursuant to division (G) (2) of this
section and thereafter notwithstanding the fact that the level in
the fund may subsequently become less than sixty per cent below
the minimum safe level.

(H) (1) "Remuneration" means all compensation for personal
services, including commissions and bonuses and the cash value of
all compensation in any medium other than cash, except that in the
case of agricultural or domestic service, "remuneration" includes
only cash remuneration. Gratuities customarily received by an
individual in the course of the individual's employment from
persons other than the individual's employer and which are
accounted for by such individual to the individual's employer are
taxable wages.

The reasonable cash value of compensation paid in any medium

other than cash shall be estimated and determined in accordance 654
with rules prescribed by the director, provided that 655
"remuneration" does not include: 656

(a) Payments as provided in divisions (b) (2) to (b) (16) of 657
section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 713, 658
26 U.S.C.A. 3301 to 3311, as amended; 659

(b) The payment by an employer, without deduction from the 660
remuneration of the individual in the employer's employ, of the 661
tax imposed upon an individual in the employer's employ under 662
section 3101 of the "Internal Revenue Code of 1954," with respect 663
to services performed after October 1, 1941. 664

(2) "Cash remuneration" means all remuneration paid in cash, 665
including commissions and bonuses, but not including the cash 666
value of all compensation in any medium other than cash. 667

(I) "Interested party" means the director and any party to 668
whom notice of a determination of an application for benefit 669
rights or a claim for benefits is required to be given under 670
section 4141.28 of the Revised Code. 671

(J) "Annual payroll" means the total amount of wages subject 672
to contributions during a twelve-month period ending with the last 673
day of the second calendar quarter of any calendar year. 674

(K) "Average annual payroll" means the average of the last 675
three annual payrolls of an employer, provided that if, as of any 676
computation date, the employer has had less than three annual 677
payrolls in such three-year period, such average shall be based on 678
the annual payrolls which the employer has had as of such date. 679

(L) (1) "Contributions" means the money payments to the state 680
unemployment compensation fund required of employers by section 681
4141.25 of the Revised Code and of the state and any of its 682
political subdivisions electing to pay contributions under section 683

4141.242 of the Revised Code. Employers paying contributions shall 684
be described as "contributory employers." 685

(2) "Payments in lieu of contributions" means the money 686
payments to the state unemployment compensation fund required of 687
reimbursing employers under sections 4141.241 and 4141.242 of the 688
Revised Code. 689

(M) An individual is "totally unemployed" in any week during 690
which the individual performs no services and with respect to such 691
week no remuneration is payable to the individual. 692

(N) An individual is "partially unemployed" in any week if, 693
due to involuntary loss of work, the total remuneration payable to 694
the individual for such week is less than the individual's weekly 695
benefit amount. 696

(O) "Week" means the calendar week ending at midnight 697
Saturday unless an equivalent week of seven consecutive calendar 698
days is prescribed by the director. 699

(1) "Qualifying week" means any calendar week in an 700
individual's base period with respect to which the individual 701
earns or is paid remuneration in employment subject to this 702
chapter. A calendar week with respect to which an individual earns 703
remuneration but for which payment was not made within the base 704
period, when necessary to qualify for benefit rights, may be 705
considered to be a qualifying week. The number of qualifying weeks 706
which may be established in a calendar quarter shall not exceed 707
the number of calendar weeks in the quarter. 708

(2) "Average weekly wage" means the amount obtained by 709
dividing an individual's total remuneration for all qualifying 710
weeks during the base period by the number of such qualifying 711
weeks, provided that if the computation results in an amount that 712
is not a multiple of one dollar, such amount shall be rounded to 713

the next lower multiple of one dollar.

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(P) "Weekly benefit amount" means the amount of benefits an individual would be entitled to receive for one week of total unemployment.

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(Q) (1) "Base period" means the first four of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year, except as provided in division (Q) (2) of this section.

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(2) If an individual does not have sufficient qualifying weeks and wages in the base period to qualify for benefit rights, the individual's base period shall be the four most recently completed calendar quarters preceding the first day of the individual's benefit year. Such base period shall be known as the "alternate base period." If information as to weeks and wages for the most recent quarter of the alternate base period is not available to the director from the regular quarterly reports of wage information, which are systematically accessible, the director may, consistent with the provisions of section 4141.28 of the Revised Code, base the determination of eligibility for benefits on the affidavit of the claimant with respect to weeks and wages for that calendar quarter. The claimant shall furnish payroll documentation, where available, in support of the affidavit. The determination based upon the alternate base period as it relates to the claimant's benefit rights, shall be amended when the quarterly report of wage information from the employer is timely received and that information causes a change in the determination. As provided in division (B) of section 4141.28 of the Revised Code, any benefits paid and charged to an employer's account, based upon a claimant's affidavit, shall be adjusted effective as of the beginning of the claimant's benefit year. No calendar quarter in a base period or alternate base period shall

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be used to establish a subsequent benefit year.

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(3) The "base period" of a combined wage claim, as described in division (H) of section 4141.43 of the Revised Code, shall be the base period prescribed by the law of the state in which the claim is allowed.

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(4) For purposes of determining the weeks that comprise a completed calendar quarter under this division, only those weeks ending at midnight Saturday within the calendar quarter shall be utilized.

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(R) (1) "Benefit year" with respect to an individual means the fifty-two week period beginning with the first day of that week with respect to which the individual first files a valid application for determination of benefit rights, and thereafter the fifty-two week period beginning with the first day of that week with respect to which the individual next files a valid application for determination of benefit rights after the termination of the individual's last preceding benefit year, except that the application shall not be considered valid unless the individual has had employment in six weeks that is subject to this chapter or the unemployment compensation act of another state, or the United States, and has, since the beginning of the individual's previous benefit year, in the employment earned three times the average weekly wage determined for the previous benefit year. The "benefit year" of a combined wage claim, as described in division (H) of section 4141.43 of the Revised Code, shall be the benefit year prescribed by the law of the state in which the claim is allowed. Any application for determination of benefit rights made in accordance with section 4141.28 of the Revised Code is valid if the individual filing such application is unemployed, has been employed by an employer or employers subject to this chapter in at least twenty qualifying weeks within the individual's base

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period, and has earned or been paid remuneration at an average 776
weekly wage of not less than twenty-seven and one-half per cent of 777
the statewide average weekly wage for such weeks. For purposes of 778
determining whether an individual has had sufficient employment 779
since the beginning of the individual's previous benefit year to 780
file a valid application, "employment" means the performance of 781
services for which remuneration is payable. 782

(2) Effective for benefit years beginning on and after 783
December 26, 2004, any application for determination of benefit 784
rights made in accordance with section 4141.28 of the Revised Code 785
is valid if the individual satisfies the criteria described in 786
division (R)(1) of this section, and if the reason for the 787
individual's separation from employment is not disqualifying 788
pursuant to division (D)(2) of section 4141.29 or section 4141.291 789
of the Revised Code. A disqualification imposed pursuant to 790
division (D)(2) of section 4141.29 or section 4141.291 of the 791
Revised Code must be removed as provided in those sections as a 792
requirement of establishing a valid application for benefit years 793
beginning on and after December 26, 2004. 794

(3) The statewide average weekly wage shall be calculated by 795
the director once a year based on the twelve-month period ending 796
the thirtieth day of June, as set forth in division (B)(3) of 797
section 4141.30 of the Revised Code, rounded down to the nearest 798
dollar. Increases or decreases in the amount of remuneration 799
required to have been earned or paid in order for individuals to 800
have filed valid applications shall become effective on Sunday of 801
the calendar week in which the first day of January occurs that 802
follows the twelve-month period ending the thirtieth day of June 803
upon which the calculation of the statewide average weekly wage 804
was based. 805

(4) As used in this division, an individual is "unemployed" 806

if, with respect to the calendar week in which such application is
filed, the individual is "partially unemployed" or "totally
unemployed" as defined in this section or if, prior to filing the
application, the individual was separated from the individual's
most recent work for any reason which terminated the individual's
employee-employer relationship, or was laid off indefinitely or
for a definite period of seven or more days.

(S) "Calendar quarter" means the period of three consecutive
calendar months ending on the thirty-first day of March, the
thirtieth day of June, the thirtieth day of September, and the
thirty-first day of December, or the equivalent thereof as the
director prescribes by rule.

(T) "Computation date" means the first day of the third
calendar quarter of any calendar year.

(U) "Contribution period" means the calendar year beginning
on the first day of January of any year.

(V) "Agricultural labor," for the purpose of this division,
means any service performed prior to January 1, 1972, which was
agricultural labor as defined in this division prior to that date,
and service performed after December 31, 1971:

(1) On a farm, in the employ of any person, in connection
with cultivating the soil, or in connection with raising or
harvesting any agricultural or horticultural commodity, including
the raising, shearing, feeding, caring for, training, and
management of livestock, bees, poultry, and fur-bearing animals
and wildlife;

(2) In the employ of the owner or tenant or other operator of
a farm in connection with the operation, management, conservation,
improvement, or maintenance of such farm and its tools and
equipment, or in salvaging timber or clearing land of brush and

other debris left by hurricane, if the major part of such service 837
is performed on a farm; 838

(3) In connection with the production or harvesting of any 839
commodity defined as an agricultural commodity in section 15 (g) 840
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 841
U.S.C. 1141j, as amended, or in connection with the ginning of 842
cotton, or in connection with the operation or maintenance of 843
ditches, canals, reservoirs, or waterways, not owned or operated 844
for profit, used exclusively for supplying and storing water for 845
farming purposes; 846

(4) In the employ of the operator of a farm in handling, 847
planting, drying, packing, packaging, processing, freezing, 848
grading, storing, or delivering to storage or to market or to a 849
carrier for transportation to market, in its unmanufactured state, 850
any agricultural or horticultural commodity, but only if the 851
operator produced more than one half of the commodity with respect 852
to which such service is performed; 853

(5) In the employ of a group of operators of farms, or a 854
cooperative organization of which the operators are members, in 855
the performance of service described in division (V) (4) of this 856
section, but only if the operators produced more than one-half of 857
the commodity with respect to which the service is performed; 858

(6) Divisions (V) (4) and (5) of this section shall not be 859
deemed to be applicable with respect to service performed: 860

(a) In connection with commercial canning or commercial 861
freezing or in connection with any agricultural or horticultural 862
commodity after its delivery to a terminal market for distribution 863
for consumption; or 864

(b) On a farm operated for profit if the service is not in 865
the course of the employer's trade or business. 866

As used in division (V) of this section, "farm" includes
stock, dairy, poultry, fruit, fur-bearing animal, and truck farms,
plantations, ranches, nurseries, ranges, greenhouses, or other
similar structures used primarily for the raising of agricultural
or horticultural commodities and orchards.

(W) "Hospital" means an institution which has been registered
or licensed by the Ohio department of health as a hospital.

(X) "Nonprofit organization" means an organization, or group
of organizations, described in section 501(c)(3) of the "Internal
Revenue Code of 1954," and exempt from income tax under section
501(a) of that code.

(Y) "Institution of higher education" means a public or
nonprofit educational institution, including an educational
institution operated by an Indian tribe, which:

(1) Admits as regular students only individuals having a
certificate of graduation from a high school, or the recognized
equivalent;

(2) Is legally authorized in this state or by the Indian
tribe to provide a program of education beyond high school; and

(3) Provides an educational program for which it awards a
bachelor's or higher degree, or provides a program which is
acceptable for full credit toward such a degree, a program of
post-graduate or post-doctoral studies, or a program of training
to prepare students for gainful employment in a recognized
occupation.

For the purposes of this division, all colleges and
universities in this state are institutions of higher education.

(Z) For the purposes of this chapter, "states" includes the
District of Columbia, the Commonwealth of Puerto Rico, and the
Virgin Islands.

(AA) "Alien" means, for the purposes of division (A) (1) (d) of this section, an individual who is an alien admitted to the United States to perform service in agricultural labor pursuant to sections 214 (c) and 101 (a) (15) (H) of the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101.

(BB) (1) "Crew leader" means an individual who furnishes individuals to perform agricultural labor for any other employer or farm operator, and:

(a) Pays, either on the individual's own behalf or on behalf of the other employer or farm operator, the individuals so furnished by the individual for the service in agricultural labor performed by them;

(b) Has not entered into a written agreement with the other employer or farm operator under which the agricultural worker is designated as in the employ of the other employer or farm operator.

(2) For the purposes of this chapter, any individual who is a member of a crew furnished by a crew leader to perform service in agricultural labor for any other employer or farm operator shall be treated as an employee of the crew leader if:

(a) The crew leader holds a valid certificate of registration under the "Farm Labor Contractor Registration Act of 1963," 90 Stat. 2668, 7 U.S.C. 2041; or

(b) Substantially all the members of the crew operate or maintain tractors, mechanized harvesting or crop-dusting equipment, or any other mechanized equipment, which is provided by the crew leader; and

(c) If the individual is not in the employment of the other employer or farm operator within the meaning of division (B) (1) of this section.

(3) For the purposes of this division, any individual who is
furnished by a crew leader to perform service in agricultural
labor for any other employer or farm operator and who is not
treated as in the employment of the crew leader under division
(BB) (2) of this section shall be treated as the employee of the
other employer or farm operator and not of the crew leader. The
other employer or farm operator shall be treated as having paid
cash remuneration to the individual in an amount equal to the
amount of cash remuneration paid to the individual by the crew
leader, either on the crew leader's own behalf or on behalf of the
other employer or farm operator, for the service in agricultural
labor performed for the other employer or farm operator.

(CC) "Educational institution" means an institution other
than an institution of higher education as defined in division (Y)
of this section, including an educational institution operated by
an Indian tribe, which:

(1) Offers participants, trainees, or students an organized
course of study or training designed to transfer to them
knowledge, skills, information, doctrines, attitudes, or abilities
from, by, or under the guidance of an instructor or teacher; and

(2) Is approved, chartered, or issued a permit to operate as
a school by the state board of education, other government agency,
or Indian tribe that is authorized within the state to approve,
charter, or issue a permit for the operation of a school.

For the purposes of this division, the courses of study or
training which the institution offers may be academic, technical,
trade, or preparation for gainful employment in a recognized
occupation.

(DD) "Cost savings day" means any unpaid day off from work in
which employees continue to accrue employee benefits which have a
determinable value including, but not limited to, vacation,

pension contribution, sick time, and life and health insurance." 958

Between lines 7053 and 7054, insert: 959

"Sec. 4141.292. (A) As used in this section, "learn to earn 960
program" means any program established by the department of job 961
and family services that offers a structured, supervised training 962
opportunity to an eligible unemployment compensation claimant with 963
a designated worksite training provider. 964

(B) Participation in a learn to earn program is voluntary. 965

(C) If a learn to earn program participant is otherwise 966
eligible for unemployment compensation benefits, the participant 967
shall continue to receive unemployment compensation benefits 968
pursuant to this chapter during participation in the program. 969

(D) A participant in a learn to earn program shall be 970
registered at an employment office or other registration place 971
maintained or designated by the director of job and family 972
services according to the procedure set forth in division (A) (3) 973
of section 4141.29 of the Revised Code. 974

(E) A learn to earn program participant may participate in a 975
learn to earn program for a period not to exceed twenty-four hours 976
a week for a maximum of six weeks." 977

In line 9828, after "4139.05," insert "4141.01," 978

In line 14 of the title, after "4139.05," insert "4141.01," 979

In line 20 of the title, after "4123.391," insert "4141.292," 980

The motion was _____ agreed to.

SYNOPSIS

Learn to Earn Program Participants	981
R.C. 4123.391, 4141.01, and 4141.292	982
Makes participation in a learn to earn program established by the Department of Job and Family Services voluntary and allows a participant to receive unemployment compensation benefits while participating in the program.	983 984 985 986
Requires a learn to earn program participant to comply with the Department's registration requirements and permits participation in the program for a period not to exceed 24 hours a week for a maximum of six weeks.	987 988 989 990
Removes the proposal permitting the Department to enter into a contract of indemnity for loss as a result of any workers' compensation claim arising out of participation in a learn to earn program.	991 992 993 994
Removes the proposed delineation of when a participant receives workers' compensation versus unemployment compensation.	995 996

5 _____ moved to amend as follows:

6 Between lines 16216 and 16217, insert:

7 **"Section _____.** Not later than December 31, 2012, the
8 Department of Education shall issue a report on the compliance
9 of school districts and community schools established under
10 Chapter 3314. of the Revised Code with the requirement to have
11 students with disabilities undergo a comprehensive eye
12 examination in accordance with section 3323.19 of the Revised
13 Code. For the report, the Department shall collect data from
14 each school district and community school for the 2010-2011 and
15 2011-2012 school years on the total number of students enrolled
16 in the district or school who were subject to the requirement to
17 undergo a comprehensive eye examination and the total number of
18 those students who received the examination, as verified by
19 documentation received by the district or school. The
20 Department shall provide copies of the report to the Governor,
21 the Speaker and Minority Leader of the House of Representatives,
22 the President and Minority Leader of the Senate, and the

23 chairpersons and ranking minority members of the House and
24 Senate education committees."

25 The motion was _____ agreed to.

26 SYNOPSIS

27 **Report on Eye Exams for Students with Disabilities**

28 **Section _____**

29 Requires the Department of Education, by December 31, 2012,
30 to issue a report to the Governor and General Assembly on the
31 compliance of school districts and community (charter) schools
32 with the requirement of current law to have students with
33 disabilities undergo a comprehensive eye exam within three
34 months after beginning to receive special education and related
35 services.

36 Specifies that the report must include data from the 2010-
37 2011 and 2011-2012 school years on (1) the total number of
38 students enrolled in each school district or community school
39 who were subject to the requirement to undergo an eye exam and
40 (2) the total number of those students whom the district or
41 school can verify received the exam.

1 129SB316-HC0754.docx/dlp

2 Sub. S.B. 316
3 LSC 129 2424-4
4 HC-0754

5 _____ moved to amend as follows:

6 In line 1347, reinsert all after "(6)"

7 Reinsert lines 1348 through 1351

8 In line 1352, reinsert "For"; delete all after the
9 reinserted "For"

10 In line 1353, delete "section 3302.033 of the Revised Code,
11 for"

12 In line 1355, reinsert "conversion"

13 In line 1360, reinsert "on the report card issued for the
14 district"; delete "and shall include the"

15 Delete line 1361

16 In line 1362, delete "daily student enrollment" and insert
17 "under this section or section 3302.033 of the Revised Code"

18 The motion was _____ agreed to.

19

SYNOPSIS

20

Combining Community School and District Report Card Data

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R.C. 3302.03

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Removes the bill's changes to current law with respect to combining of data of community schools and school districts that:

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(1) Require the Department of Education to combine with a district's student performance data, the comparable data for all community schools sponsored by the school district, instead of only conversion community schools sponsored by the district as under current law. The amendment reinstates current law limiting the data combination to just conversion schools.

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(2) Eliminate the exception for conversion schools that primarily enroll students between 16 and 22 years of age who dropped out of high school or are at risk of dropping out of high school due to poor attendance, disciplinary problems, or suspensions. The amendment reinstates the exception of current law. and

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(3) Require the Department to include the students attending community schools sponsored by a school district in the district's enrollment count on the district's report card. The amendment removes this new provision.

5 _____ moved to amend as follows:

6 In line 3446, reinsert "No" and delete the remainder of the
7 line

8 In line 3447, delete "section, no"

9 In line 3448, strike through "two" and insert "three"

10 Delete lines 3449 through 3470

11 The motion was _____ agreed to.

12 SYNOPSIS

13 **Community School Governing Authority Membership**

14 **R.C. 3314.02**

15 Removes the bill's provisions permitting (1) a single
16 individual to be a member of the governing authority of up to
17 five community schools at the same time under certain
18 conditions, and (2) a single governing authority (of the same
19 five individuals) to direct up to five separate community
20 schools under certain conditions.

21 Increases the number, from two (under current law) to
22 three, of governing authorities of start-up community schools on
23 which a person can serve at the same time.

5 _____ moved to amend as follows:

- 6 In line 5800, strike through "April" and insert "May"
7 In line 5802, strike through "April" and insert "May"
8 In line 5814, strike through "April" and insert "May"
9 In line 5816, strike through "April" and insert "May"
10 In line 5821, strike through "April" and insert "May"
11 In line 5823, strike through "April" and insert "May"

12 The motion was _____ agreed to.

13 SYNOPSIS

14 **Teacher Evaluations**

15 **R.C. 3319.111(C)**

16 Extends from April 1 to May 1 the deadline for employers to
17 complete teacher evaluations.

1 129SB316-HC0757.docx/dlp

2 Sub. S.B. 316
3 LSC 129 2424-4
4 HC-0757

5 _____ moved to amend as follows:

6 In line 5913, after "periodically" insert "by adoption of a
7 resolution"

8 The motion was _____ agreed to.

9 SYNOPSIS

10 **Teacher Evaluation Framework**

11 **R.C. 3319.112(A)**

12 Specifies, with respect to the bill's provision allowing
13 the State Board of Education to update its teacher evaluation
14 framework periodically, that the update must be adopted by
15 resolution.

5 _____ moved to amend as follows:

6 In line 1624, strike through "Not later"

7 In line 1625, strike through "than January 1,"; delete
8 "2013"; strike through ", the" and insert "The"

9 In line 1635, after "than" insert "December 31, 2012.
10 School districts, community schools, and STEM schools shall
11 begin reporting data in accordance with the standards on"

12 The motion was _____ agreed to.

13 SYNOPSIS

14 **School District and School Expenditure Reporting Standards**

15 **R.C. 3302.20**

16 Removes the deadline for the Department of Education to
17 present proposed reporting standards to the State Board of
18 Education, but moves the date that the State Board must adopt
19 those standards to December 31, 2012, instead of July 1, 2013,
20 as under the bill, and July 1, 2012, as under current law.

21 Requires school districts, community schools, and STEM
22 schools to begin reporting data in accordance with the standards
23 on July 1, 2013.

Sub. S.B. 316
LSC 129 2424-4
HC-0759

_____ moved to amend as follows:

In line 57, delete "3314.35,"

Delete lines 3192 through 3272 and insert:

"Sec. 3314.016. This section applies to any entity that sponsors a community school, regardless of whether section 3314.021 or 3314.027 of the Revised Code exempts the entity from the requirement to be approved for sponsorship under divisions (A) (2) and (B) (1) of section 3314.015 of the Revised Code. The office of Ohio school sponsorship established under section 3314.029 of the Revised Code shall be rated under division (D) of this section, but the prohibitions of divisions (A), (B), (C), and (E) of this section do not apply to the office.

(A) An entity that sponsors a community school shall be permitted to enter into contracts under section 3314.03 of the Revised Code to sponsor additional community schools only if the entity meets both of the following criteria:

(1) The entity is in compliance with all provisions of this chapter requiring sponsors of community schools to report data or information to the department of education.

(2) The entity is not ranked in the lowest twenty per cent of community school sponsors on the ranking prescribed by division

(B) of this section.

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(B) (1) For purposes of this section, the department shall develop a composite performance index score, as defined in section 3302.01 of the Revised Code, that measures the academic performance of students enrolled in community schools sponsored by the same entity. ~~In~~

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(2) In calculating ~~the~~ an entity's composite performance index score, the department shall exclude all of the following:

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(a) All community schools that have been in operation for less than two full school years;

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(b) All community schools described in division (A) (3) of section 3314.35 of the Revised Code, but the department shall cease to exclude those schools beginning January 1, 2013, if the general assembly does not enact by that date separate performance standards for community schools that operate dropout prevention and recovery programs and for community schools that serve students with disabilities. The

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(3) The department annually shall rank all entities that sponsor community schools from highest to lowest according to the entities' composite performance index scores and shall publish the rankings between the first day of October and the fifteenth day of October.

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(C) If the governing authority of a community school enters into a contract with a sponsor prior to the date on which the sponsor is prohibited from sponsoring additional schools under division (A) of this section and the school has not opened for operation as of that date, that contract shall be void and the school shall not open until the governing authority secures a new sponsor by entering into a contract with the new sponsor under section 3314.03 of the Revised Code."

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Delete lines 4559 through 4629	51
In line 9824, delete "3314.35,"	52
In line 8 of the title, delete "3314.35,"	53

The motion was _____ agreed to.

SYNOPSIS

Community School Sponsor Rankings	54
R.C. 3314.016 and 3314.35	55
Reinstates the current law requiring a single pool of all sponsors, rather than separate pools for sponsors of conversion schools and for sponsors of start-up schools as prescribed by the Introduced and Senate versions.	56 57 58 59
Maintains the current law requiring the Department of Education to rank sponsors according to their composite performance index scores, rather than by a performance rating based on school district report card performance metrics as in the Senate version. (The Introduced version retained the use of performance index scores to rank sponsors, the Senate amended the law to use all of the report card metrics, and the substitute bill pending in House Education reinstates the current law.)	60 61 62 63 64 65 66 67
Retains the Introduced, Senate version's, and substitute bill's permanent exclusion from the ranking calculations of community schools that primarily serve students with disabilities.	68 69 70
Makes permanent the exclusion from the ranking calculations community schools that operate dropout prevention and recovery programs.	71 72 73
Reinstates the Senate version's exclusion from the ranking	74

calculations of community schools that have been in operation for 75
less than two full school years. 76

Retains the Senate and substitute bill provision that (1) 77
specifies that the Department of Education's Office of Ohio School 78
Sponsorship, which authorizes community schools under provisions 79
enacted in 2011 by H.B. 153, be included in the annual rankings of 80
community school sponsors, and (2) exempts the Office from the 81
prohibitions against sponsoring additional community schools. 82

Retains the bill's requirement that the Department of 83
Education publish the annual sponsor rankings between October 1 84
and October 15. (Same as the Introduced and Senate versions.) 85

**Exemption from Permanent Closure Provisions for Dropout 86
Prevention and Recovery Community Schools 87**

R.C. 3314.35 88

Restores current law making permanent the exemption for 89
community schools that operate dropout prevention and recovery 90
programs from the provisions of law requiring closure for low 91
academic performance ratings. 92

5 _____ moved to amend as follows:

6 In line 5920, delete "; or is an habitual truant, as
7 defined in section"

8 In line 5921, delete "2151.011 of the Revised Code"

9 The motion was _____ agreed to.

10 SYNOPSIS

11 **Teacher Evaluations**

12 **R.C. 3319.112**

13 Removes students who are "habitual truants" (a student who
14 has unexcused absences of 5 or more consecutive days, 7 or more
15 days in a month, or 12 or more days in a school year) from
16 exclusion in calculating student academic growth on teacher
17 evaluations. In other words, includes students who are
18 "habitual truants" in calculating student academic growth on
19 teacher evaluations. (Retains exclusion of students with 60 or
20 more excused or unexcused absences from that calculation.)

1 129SB316-HC0761.docx/dlp

2 Sub. S.B. 316
3 LSC 129 2424-4
4 HC-0761

5 _____ moved to amend as follows:

6 In line 5900, delete "state board of" and insert
7 "department"

8 In line 5901, delete "education"; after "guidelines" delete
9 the balance of the line

10 In line 5902, delete "the Revised Code"

11 The motion was _____ agreed to.

12 SYNOPSIS

13 **Teacher Evaluation Data**

14 **R.C. 3319.111**

15 Specifies that the Department of Education, instead of the
16 State Board of Education as prescribed in the bill, must
17 establish guidelines for the teacher evaluation report
18 containing the number of teachers receiving each evaluation
19 rating, aggregated by the teacher preparation programs from
20 which the teachers graduated and graduation year.

21 Deletes the reference to the Education Management
22 Information System (EMIS).

5 _____ moved to amend as follows:

6 In line 5835, after "director" insert ", administrative
7 specialist,"; strike through the second "a"

8 In line 5844, after the underlined comma insert
9 "administrative specialist,"

10 The motion was _____ agreed to.

11 SYNOPSIS

12 **Teacher Evaluations**

13 **R.C. 3319.111(D)**

14 Allows administrative specialists to conduct teacher
15 evaluations, if they work for the teacher's employer or for a
16 third party hired by the employer to do evaluations. (Under the
17 bill, authorized evaluators include superintendents, assistant
18 superintendents, principals, vocational directors, and
19 supervisors.)

5 _____ moved to amend as follows:

6 In line 5799, strike through "divisions" and insert
7 "division"; strike through "and (3)"

8 In line 5803, strike through all after "(2)"

9 Strike through lines 5804 through 5816

10 In line 5817, strike through "(3)"

11 In line 5847, delete ", the" and insert ":

12 (1) The board shall require at least three formal
13 observations of each teacher with whom the board has entered
14 into a limited contract or an extended limited contract under
15 section 3319.11 of the Revised Code.

16 (2) The"

17 The motion was _____ agreed to.

18 SYNOPSIS

19 **Teacher Evaluations**

20 **R.C. 3319.111 (C) and (E)**

21 Requires only one annual evaluation of teachers on limited
22 or extended limited contracts. (Under current law, employers

23 must conduct two evaluations of those teachers in any year the
24 employer is considering not rehiring the teacher.)

25 Requires at least three formal observations of teachers on
26 limited or extended limited contracts as part of the evaluation
27 process. (Current law requires each evaluation to include at
28 least two formal observations of the teacher for at least 30
29 minutes each time.

1 129SB316-HC0764.docx/dlp

2 Sub. S.B. 316
3 LSC 129 2424-4
4 HC-0764

5 _____ moved to amend as follows:

6 Between lines 16216 and 16217, insert:

7 "Section 733.____. Notwithstanding the deadline prescribed
8 in division (G)(2) of section 3301.0711 of the Revised Code, for
9 the achievement assessments administered under that section for
10 the 2012-2013 school year, the Department of Education, or an
11 entity with which the Department contracts for the scoring of
12 the assessments, shall send to each school district board a list
13 of the individual scores of all persons taking an assessment
14 prescribed by division (A)(1) or (B)(1) of section 3301.0710 of
15 the Revised Code within seventy-five days after its
16 administration, but in no case shall the scores be returned
17 later than June 15, 2013."

18 The motion was _____ agreed to.

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SYNOPSIS

20

Achievement Assessment Scores

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Section 733.____.

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For the 2012-2013 school year, extends from 60 to 75 days after administration of the state achievement assessments the deadline to report individual scores to school districts. However, retains current law's ultimate deadline of June 15 by specifying that scores may not be reported later than June 15, 2013.

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LSC 129 2424-4
HC-0773

_____ moved to amend as follows:

In line 54, after "3313.41," insert "3313.411,"

In line 2200, strike through "divisions (A) and (C) of"

In line 2205, after the semicolon insert "to a nonprofit
institution of higher education that has a certificate of
authorization under Chapter 1713. of the Revised Code; to the
governing authority of a chartered nonpublic school;"

In line 2241, after "property" insert "as determined in an
appraisal of the property that is not more than one year old"

Between lines 2326 and 2327, insert:

"Sec. 3313.411. (A) As used in this section, ~~"unused;~~

(1) "College-preparatory boarding school" means a
college-preparatory boarding school established under Chapter
3328. of the Revised Code.

(2) "Community school" means a community school established
under Chapter 3314. of the Revised Code.

(3) "Unused school facilities" means any real property that
has been used by a school district for school operations,
including, but not limited to, academic instruction or
administration, since July 1, 1998, but has not been used in that

capacity for two years.

(B) ~~(1)~~ On and after ~~the effective date of this section June 30, 2011,~~ any school district board of education shall offer any unused school facilities it owns in its corporate capacity for lease or sale to the governing authorities of community schools established ~~under Chapter 3314. of the Revised Code, and the board of trustees of any college-preparatory boarding school,~~ that are located within the territory of the ~~school~~ district.

(2) At the same time that a district board makes the offer required under division (B) (1) of this section, the board also may, but shall not be required to, offer that property for sale or lease to the governing authorities of community schools with plans, stipulated in their contracts entered into under section 3314.03 of the Revised Code, either to relocate their operations to the territory of the district or to add facilities, as authorized by division (B) (3) or (4) of section 3314.05 of the Revised Code, to be located within the territory of the district.

(C) (1) If, not later than sixty days after the district board makes the offer, the governing authority of only one community school located within the territory of the school district qualified party offered the property under division (B) of this section notifies the district treasurer in writing of its the intention to purchase the property, the district board shall sell the property to the community school that party for the appraised fair market value of the property as determined in an appraisal of the property that is not more than one year old.

(2) If, not later than sixty days after the district board makes the offer, the governing authorities of two or more community schools located within the territory of the school district notify more than one qualified party offered the property under division (B) of this section notifies the district treasurer

in writing of ~~their~~ the intention to purchase the property, the 51
board shall conduct a public auction in the manner required for 52
auctions of district property under division (A) of section 53
3313.41 of the Revised Code. Only the ~~governing authorities of all~~ 54
~~community schools located within the territory of the school~~ 55
~~district parties offered the property under division (B) of this~~ 56
~~section that notify the district treasurer of the intention to~~ 57
~~purchase the property~~ are eligible to bid at the auction. The 58
district board is not obligated to accept any bid for the property 59
that is lower than the appraised fair market value of the property 60
as determined in an appraisal that is not more than one year old. 61

(3) If the ~~governing authorities of two or more community~~ 62
~~schools located within the territory of the school district notify~~ 63
~~more than one qualified party offered the property under division~~ 64
~~(B) of this section notifies~~ the district treasurer in writing of 65
~~their~~ the intention to lease the property, the district board 66
shall conduct a lottery to select from among those parties the 67
~~community school one qualified party~~ to which the district board 68
shall lease the property. 69

(4) The lease price offered by a district board to ~~the~~ 70
~~governing authority of a community school or college-preparatory~~ 71
~~boarding school~~ under this section shall not be higher than the 72
fair market value for such a leasehold as determined in an 73
appraisal that is not more than one year old. 74

(5) If no ~~community school governing authority qualified~~ 75
~~party offered the property under division (B) of this section~~ 76
accepts the offer to lease or buy the property within sixty days 77
after the offer is made, the district board may offer the property 78
to any other entity in accordance with divisions (A) to (F) of 79
section 3313.41 of the Revised Code. 80

~~(C)~~ (D) Notwithstanding division (B) of this section, a school 81

district board may renew any agreement it originally entered into 82
prior to the ~~effective date of this section~~ June 30, 2011, to 83
lease real property to an entity other than a community school or 84
college-preparatory boarding school. Nothing in this section shall 85
affect the leasehold arrangements between the district board and 86
that other entity." 87

In line 9821, after "3313.41," insert "3313.411," 88

In line 5 of the title, after "3313.41," insert "3313.411," 89

The motion was _____ agreed to.

SYNOPSIS

Access to School District Property 90

R.C. 3313.41 and 3313.411 91

Adds nonprofit private colleges and universities and 92
chartered nonpublic (primary and secondary) schools to the list of 93
entities that may purchase real (or personal) property of a school 94
district directly without purchasing it at a public auction. 95
(Current law allows direct sale of school district property to 96
state colleges and universities and other public entities, such as 97
school library districts and other political subdivisions, park 98
commissioners, and the Adjutant General.) 99

Specifies that, when offering the right of first refusal to 100
community schools (as under current law) and college-preparatory 101
boarding schools (as under the bill) to purchase school district 102
real property that a district is seeking to sell, the appraised 103
fair market value of the property must be determined by an 104
appraisal that is not more than one year old. 105

Reinstates, with changes, the Senate provisions adding both 106

college-preparatory boarding schools and community schools not
already located in a particular school district to the entities
that may purchase or lease the school district's real property,
under the current law that requires a district to offer for sale
or lease to community schools real property that it has not used
for two years. The amendment's changes to the Senate provisions
are the following:

(1) Omits the Senate provision permitting sale or lease to
persons or groups proposing to establish new community schools to
be located in the districts;

(2) Specifies that the appraised fair market value of the
property must be determined by an appraisal that is not more than
one year old;

(3) Omits the Senate requirement that any unused property
sold or leased to a community school be used only for operating
the community school.

5 _____ moved to amend as follows:

6 In line 2360, delete "principal" and insert "department of
7 education"

8 In line 2465, after "data" insert ", when available,"

9 In line 2469, after the underlined period insert "Providers
10 shall be screened and approved by the district or the department
11 of education."

12 Between lines 2472 and 2473, insert:

13 "(4) For each student retained under division (A) of this
14 section who is identified as gifted under division (A) or (B) of
15 section 3324.03 of the Revised Code in a specific academic
16 ability field other than reading, each district shall provide
17 instruction commensurate with student achievement levels in that
18 specific academic ability field.

19 As used in this division, "specific academic ability field"
20 has the same meaning as in section 3324.01 of the Revised Code."

21 In line 2517, after the underlined period insert "The
22 superintendent of public instruction annually shall report to
23 the governor and general assembly the number and percentage of

24 students in grades kindergarten through four reading below grade
25 level based on the diagnostic assessments administered under
26 division (B) of this section and the achievement assessments
27 administered under divisions (A)(1)(a) and (b) of section
28 3301.0710 of the Revised Code in English language arts,
29 aggregated by school district; the types of intervention
30 services provided to students; and, if available, an evaluation
31 of the efficacy of the intervention services provided."

32 The motion was _____ agreed to.

33 SYNOPSIS

34 **Third Grade Reading Guarantee**

35 **R.C. 3313.608**

36 Requires the Department of Education, instead of the
37 student's principal as currently in the bill, to determine
38 whether a student demonstrates an acceptable level of
39 performance on an alternative standardized reading assessment to
40 qualify for exemption from retention.

41 Requires that alternative intervention service providers be
42 screened either by a school district (or community school) or
43 the Department.

44 Requires school districts and community schools to provide
45 retained third-graders who have been indentified as gifted in
46 fields other than reading with instruction in those fields that
47 is commensurate with the students' achievement levels.

48 Requires the Superintendent of Public Instruction annually
49 to report to the Governor and General Assembly the number and
50 percentage of students in grades K-4 reading below grade level,
51 types of intervention services provided, and an evaluation, if

52 available, of the efficacy of those services all aggregated by
53 district.

54 Clarifies that performance data to determine a high-
55 performing teacher to whom retained students must be assigned
56 only be considered when available.

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LSC 129 2424-4
HC-0775-1

_____ moved to amend as follows:

In line 220, delete everything after "means"

Delete lines 221 through 223 and insert "a formal education program in which a student learns in part through online delivery of content and instruction with some element of student control over time, place, path, or pace, and in part at a supervised location away from home."

In line 1835, after "(B)" insert "The state board of education shall revise any operating standards for school districts and chartered nonpublic schools adopted under section 3301.07 of the Revised Code to include standards for the operation of blended learning under this section. The blended learning operation standards shall provide for all of the following:

(1) Exemption from student-to-teacher ratios for traditional classrooms;

(2) The extent to which the school is or is not obligated to provide students with access to digital learning tools;

(3) The ability of all students, at any grade level, to earn credits or advance grade levels upon demonstrating mastery of knowledge or skills through competency-based learning models. Credits or grade level advancement shall not be based on a minimum number of days or hours in a classroom.

<u>(4) An exemption from minimum school year or school day</u>	22
<u>requirements in sections 3313.48 and 3313.481 of the Revised Code;</u>	23
<u>(5) Adequate provisions and exemptions for: the licensing of</u>	24
<u>teachers, administrators, and other professional personnel and</u>	25
<u>their assignment according to training and qualifications and in</u>	26
<u>support of differentiated and distributed staffing; efficient and</u>	27
<u>effective instructional materials and equipment, including library</u>	28
<u>facilities; the proper organization, administration, and</u>	29
<u>supervision of each school, including regulations for preparing</u>	30
<u>all necessary records and reports and the preparation of a</u>	31
<u>statement of policies and objectives for each school; buildings,</u>	32
<u>grounds, and health and sanitary facilities and services;</u>	33
<u>admission of pupils, and such requirements for their promotion</u>	34
<u>from grade to grade as will ensure that they are capable and</u>	35
<u>prepared for the level of study to which they are certified;</u>	36
<u>requirements for graduation; and such other factors as the board</u>	37
<u>finds necessary.</u>	38
<u>(C) "</u>	39

The motion was _____ agreed to.

SYNOPSIS

Digital and Blended Learning	40
R.C. 3301.079 and 3302.41	41
Changes the bill's definition of blended learning from "the	42
delivery of instruction in a combination of time in a supervised	43
physical location away from home and online delivery whereby the	44
student has some element of control over time, place, path, or	45
pace of learning," to "a formal education program in which a	46

student learns in part through online delivery of content and
instruction with some element of student control over time, place,
path, or pace, and in part at a supervised location away from
home."

Reinstates the Senate provisions that require the State Board
of Education to formulate standards for the operation of blended
learning programs with the following changes:

(1) Specifically instructs the State Board to "revise" its
existing operating standards for school districts and chartered
nonpublic schools to include standards for blended learning
programs, rather than "adopt" standards for such programs as under
the Senate provision;

(2) Replaces the Senate provision that one of the operating
standards must provide for student-to-teacher ratios whereby no
blended learning classroom is required to have more than one
teacher for every 125 students, with a standard that provides for
"exemptions from student-to-teacher ratios";

(3) Revises the operating standard that provides for "the
licensing of teachers, administrators, and other professional
personnel and their assignment according to training and
qualifications" to include the stipulation: "in support of
differentiated and distributed staffing"; and

(4) States that the State Board, in addition to providing
standards for, must also state exemptions from the following: "the
licensing of teachers, administrators, and other professional
personnel and their assignment according to training and
qualifications; efficient and effective instructional materials
and equipment, including library facilities; the proper
organization, administration, and supervision of each school,
including regulations for preparing all necessary records and
reports and the preparation of a statement of policies and

objectives for each school; buildings, grounds, and health and 78
sanitary facilities and services; admission of pupils, and such 79
requirements for their promotion from grade to grade as will 80
ensure that they are capable and prepared for the level of study 81
to which they are certified; requirements for graduation; and such 82
other factors as the board finds necessary." 83

Sub. S.B. 316
LSC 129 2424-4
HC-0777

_____ moved to amend as follows:

In line 58, after "3319.112," insert "3319.58," 1

In line 5865, delete all after "(G)" 2

Delete lines 5866 through 5893 3

In line 5894, delete "(H)" 4

In line 5906, delete "(I)" and insert "(H)" 5

Between lines 5981 and 5982, insert: 6

"Sec. 3319.58. (A) As used in this section, "core subject 7
area" has the same meaning as in section 3319.074 of the Revised 8
Code. 9

(B) Each year, the board of education of each city, exempted 10
village, and local school district shall require each classroom 11
teacher who is currently teaching in a core subject area and has 12
received a rating of ineffective on the evaluations conducted 13
under section 3319.111 of the Revised Code for two of the three 14
most recent school years to register for and take all written 15
examinations of content knowledge selected by the department of 16
education as appropriate to determine expertise to teach that core 17
subject area and the grade level to which the teacher is assigned. 18

(C) Each year, the board of education of each city, exempted 19

~~village, and local school district,~~ governing authority of each 20
community school established under Chapter 3314. of the Revised 21
Code, and governing body of each STEM school established under 22
Chapter 3326. of the Revised Code with a building ranked in the 23
lowest ten per cent of all public school buildings according to 24
performance index score, under section 3302.21 of the Revised 25
Code, shall require each classroom teacher currently teaching in a 26
core subject area in such a building to register for and take all 27
written examinations ~~prescribed by the state board of education~~ 28
~~for licensure of content knowledge selected by the department as~~ 29
~~appropriate to determine expertise~~ to teach that core subject area 30
and the grade level to which the teacher is assigned ~~under section~~ 31
~~3319.22 of the Revised Code. However, if~~ 32

(D) If a teacher who takes a ~~prescribed~~ an examination under 33
this ~~division~~ section passes that examination and provides proof 34
of that passage to the teacher's employer, the teacher shall not 35
be required to take the examination again for three years, 36
regardless of the teacher's evaluation ratings or the performance 37
index score ranking of the building in which the teacher teaches. 38
No teacher shall be responsible for the cost of taking an 39
examination under this ~~division~~ section. 40

~~(C)~~ (E) Each district board of education, each community 41
school governing authority, and each STEM school governing body 42
may use the results of a teacher's examinations required under 43
division (B) or (C) of this section in developing and revising 44
professional development plans and in deciding whether or not to 45
continue employing the teacher in accordance with the provisions 46
of this chapter or Chapter 3314. or 3326. of the Revised Code. 47
However, no decision to terminate or not to renew a teacher's 48
employment contract shall be made solely on the basis of the 49
results of a teacher's examination under this section until and 50
unless the teacher has not attained a passing score on the same 51

required examination for at least three consecutive	52
administrations of that examination."	53
In line 9826, after "3319.112," insert "3319.58,"	54
In line 9832, delete "sections" and insert "section"; delete	55
"and 3319.58"	56
In line 9833, delete "are" and insert "is"	57
In line 11 of the title, after "3319.112," insert "3319.58,"	58
In line 21 of the title, delete "sections" and insert	59
"section"	60
In line 22 of the title, delete "and 3319.58"	61

The motion was _____ agreed to.

SYNOPSIS

Teacher Testing and Professional Development	62
R.C. 3319.111 and 3319.58	63
Removes the following provisions of the bill:	64
(1) The requirement for an employer to develop a professional	65
improvement plan for a teacher who is rated "ineffective" on an	66
evaluation for the first time;	67
(2) The requirement, upon a second consecutive "ineffective"	68
rating, for the teacher to complete at least 12 hours of	69
professional development and, if required by the employer, to take	70
an exam of content knowledge selected by the Department of	71
Education; and	72
(3) Authority for an employer to terminate a teacher if the	73
teacher (a) does not complete the professional development or	74

content knowledge exam, (b) receives an "ineffective" rating on 75
the teacher's next evaluation after the professional development, 76
or (c) fails the exam. 77

Reinstates current law, enacted in 2011 by H.B. 153 and 78
repealed by the bill, requiring teachers of core subject areas to 79
take tests to prove their expertise to teach the subjects and 80
grade levels to which they are assigned. Under the amendment, the 81
testing requirement applies to (1) school district teachers who 82
received an "ineffective" rating on evaluations for two of the 83
three most recent school years and (2) community school and STEM 84
school teachers who work in a building that is ranked in the 85
lowest 10% of all public school buildings according to performance 86
index score. The tests teachers must take are exams of content 87
knowledge selected by the Department of Education. 88

Sub. S.B. 316
LSC 129 2424-4
HC-0778-1

_____ moved to amend as follows:

In line 64, after "3313.847," insert "3314.019,"

Between lines 3272 and 3273, insert:

"Sec. 3314.019. (A) (1) Any community school established on or
after the effective date of this section whose governing authority
has entered into a contract with an operator that has operated a
community school in the state for not less than five continuous
school years may function as a hybrid community school in
accordance with this section to provide students with a
combination of technology-based instruction, including internet-
or computer-based instruction, and classroom-based instruction.
The contract adopted under section 3314.03 of the Revised Code
shall describe the hybrid nature of the school's instructional
program and prescribe an academic accountability plan.

(2) The governing authority of any community school
established prior to the effective date of this section that has
entered into a contract with an operator that has operated a
community school in the state for not less than five continuous
school years, upon the approval of the school's sponsor, may
restructure the school as a hybrid community school in accordance
with this section to provide students with a combination of
technology-based instruction and classroom-based instruction.

Prior to the first day of July of the school year in which the
school will be restructured, the governing authority and the
school's sponsor shall amend the contract adopted under section
3314.03 of the Revised Code to describe the hybrid nature of the
school's instructional program, to prescribe an academic
accountability plan, and to make any other changes necessary to
conform the contract to the requirements of this section.

(3) A hybrid community school is not subject to, and shall
not count toward the cap imposed by, section 3314.013 of the
Revised Code.

(B) (1) The governing authority of each hybrid community
school shall require each student enrolled in the school to do
both of the following:

(a) Attend a designated site maintained by the governing
authority to receive traditional classroom-based instruction that
does not rely primarily on the use of computers or other
electronic, digital, or wireless technology for a portion of the
required instructional time as determined under division (B) (2) of
this section;

(b) For the period of time the student does not attend the
site maintained by the governing authority, work primarily from
the student's residence on assignments in nonclassroom-based
learning opportunities provided via a technology-based
instructional method.

(2) Before the beginning of each school year, the education
team of each student enrolled in a community school established or
restructured under this section shall determine the instructional
program that best meets the student's needs, including the portion
of the student's learning opportunities that shall be devoted to
traditional classroom-based instruction and technology-based
instruction. As used in this division, "education team" includes,

but is not limited to, the chief administrative officer of the
school, or the chief administrative officer's designee, the
student, the student's parent or guardian, and any teacher
requested by the chief administrative officer, student, or parent
or guardian.

(C) The designated site maintained by the school's governing
authority for the provision of classroom-based instruction shall
be located in a challenged school district or an adjacent school
district. However, the challenged school district shall be
considered the school district in which the school is located for
all purposes of this chapter, including adopting an admission
policy under division (A)(19) of section 3314.03 of the Revised
Code.

(D) Notwithstanding anything in this chapter or Chapter 3317.
of the Revised Code to the contrary, all of the following apply
with respect to each student enrolled in a hybrid community
school:

(1) The community school shall report monthly to the
department of education the number of hours each school week that
the student is required to attend the designated site described in
division (C) of this section.

(2) The department shall deduct from the school district
reported for the student under division (B)(2)(h) of section
3314.08 of the Revised Code the amounts prescribed under division
(C) of section 3314.08 of the Revised Code that would be
applicable if the student were enrolled in a community school
other than an internet- or computer-based community school.

(3) The department shall pay to the community school the sum
of the following:

(a) The amount calculated under divisions (D)(1) to (10) of

<u>section 3314.08 of the Revised Code;</u>	83
<u>(b) Any amount prescribed by division (E) of section 3314.08</u>	84
<u>of the Revised Code.</u>	85
<u>(E) Except as provided in section 3314.091 of the Revised</u>	86
<u>Code, the board of education of each city, local, and exempted</u>	87
<u>village school district shall provide for its district's native</u>	88
<u>students, in accordance with section 3327.01 of the Revised Code,</u>	89
<u>transportation to and from the site described in division (C) of</u>	90
<u>this section on each weekday the students are required to attend</u>	91
<u>school at that site.</u>	92
<u>As used in this division, "native student" has the same</u>	93
<u>meaning as in section 3314.09 of the Revised Code.</u>	94
<u>(F) A hybrid community school is not an internet- or</u>	95
<u>computer-based community school for purposes of this chapter.</u>	96
<u>Nevertheless, except as otherwise provided in this section, a</u>	97
<u>hybrid community school shall comply with all requirements of this</u>	98
<u>chapter, including any provisions that apply solely to an</u>	99
<u>internet- or computer-based community school."</u>	100
<u>In line 19 of the title, after "3313.847," insert "3314.019,"</u>	101

The motion was _____ agreed to.

SYNOPSIS

Hybrid Schools	102
R.C. 3314.019	103
Authorizes the establishment of hybrid community schools that	104
provide both remote, technology-based instruction and	105
classroom-based instruction, so long as the governing authority of	106

that school has entered into a contract with an operator that has 107
operated a community school in the state for not less than five 108
continuous school years. 109

Permits existing community schools to restructure themselves 110
as hybrid community schools if the school has entered into a 111
contract with an operator that has operated a community school for 112
at least five continuous school years. 113

Requires that the allocation of each hybrid community 114
school's student's instructional time between classroom-based and 115
technology-based instruction be determined individually by the 116
student's education team. 117

Specifies that a hybrid community school is not an internet 118
or computer-based school (e-school) but still requires hybrid 119
schools to comply with all community school law provisions, 120
including most that apply only to e-schools. 121

Specifies that state payments to hybrid community schools are 122
to be structured like payments to "brick and mortar" community 123
schools, not e-schools. 124

1 129SB316-HC0779.docx/dlp

2 Sub. S.B. 316
3 LSC 129 2424-4
4 HC-0779

5 _____ moved to amend as follows:

6 In line 5909, delete "September 29, 2011" and insert "the
7 effective date of this amendment"

8 The motion was _____ agreed to.

9 SYNOPSIS

10 **Teacher Evaluations**

11 **R.C. 3319.111(I)**

12 Specifies that the requirements regarding teacher
13 evaluations prevail over collective bargaining agreements
14 entered into on or after the bill's (90-day) effective date
15 (rather than on or after September 29, 2011, as in the bill).

5 _____ moved to amend as follows:

6 In line 1860, strike through "is eligible to enroll in
7 kindergarten" and insert "will be enrolling in school in this
8 state for the first time"

9 In line 1874, strike through "is eligible to enroll in
10 kindergarten" and insert "will be enrolling in school in this
11 state for the first time"

12 In line 1880, strike through "kindergarten or"

13 In line 1881, strike through "community school"; strike
14 through ", respectively,"

15 In line 1905, strike through "is eligible to enroll in
16 kindergarten" and insert "will be enrolling in school in this
17 state for the first time"

18 The motion was _____ agreed to.

19 SYNOPSIS

20 **Ed Choice Eligibility**

21 **R.C. 3310.03**

22 Qualifies a student for an Educational Choice Scholarship
23 if the student will be enrolling in school in Ohio for the first

24 time (instead of "eligible to enroll in kindergarten," as in
25 current law) in the school year for which the scholarship is
26 sought and the school district or district building the student
27 would otherwise attend qualifies for scholarships. Therefore,
28 under the amendment, students moving to Ohio from another state
29 and students who were previously homeschooled, regardless of
30 their grade level, will be eligible for scholarships (in
31 addition to the incoming kindergarteners who are currently
32 eligible). However, it may not be clear whether the stipulation
33 that the student otherwise would attend an EdChoice-qualifying
34 district school means during the school year in which the
35 student applies for the scholarship or the school year in which
36 the student will use the scholarship, such as for a student of
37 eighth-grade age who applies for a scholarship for high school.

5 _____ moved to amend as follows:

6 In line 2371, delete "for more than" and insert "during at
7 least"; after "two" insert "school"

8 In line 2376, delete "for" and insert "during"; after "two"
9 insert "school"

10 The motion was _____ agreed to.

11 SYNOPSIS

12 **Third Grade Reading Guarantee**

13 **R.C. 3313.608**

14 In the exemptions from retention, revises the periods of
15 time in which a student received intensive reading remediation
16 from "for more than two school years" (a student on an IEP or
17 504 plan) or "at least two school years" (a student who was
18 previously retained) to "during at least two school years" in
19 both cases.

Sub. S.B. 316
LSC 129 2424-4
HC-0787

_____ moved to amend as follows:

In line 56, after "3313.978," insert "3314.012,"; after
"3314.03," insert "3314.05,"

In line 64, delete "3302.022,"; after "3313.847," insert
"3314.017,"

Delete lines 1169 through 1201

In line 1459, strike through "all"

In line 1558, strike through "all"

In line 1651, after "Code" insert "or, in the case of a
school to which section 3314.017 of the Revised Code applies, on
the total number of students reported under divisions (B) (2) (a)
and (b) of section 3314.08 of the Revised Code"

In lines 1705 and 1712, after "scores" insert ", excluding
such community schools to which section 3314.017 of the Revised
Code applies"

Between lines 1718 and 1719, insert:

"For purposes of divisions (D) (3) (b) and (4) (b) of this
section, the display shall note that, in accordance with section
3314.017 of the Revised Code, a performance index score is not
reported for some community schools that serve primarily students
enrolled in dropout prevention and recovery programs or primarily

students with disabilities." 21

In line 1723, after "3302.03" insert "or 3314.017" 22

In line 1738, after the comma insert "except those community 23
schools to which section 3314.017 applies." 24

In line 1774, after the first comma insert "each"; after 25
"school" insert "except a community school to which section 26
3314.017 of the Revised Code applies" 27

In line 1775, after "and" insert "each" 28

In line 1781, after the first "school" insert "except a 29
community school to which section 3314.017 of the Revised Code 30
applies" 31

Between lines 3081 and 3082, insert: 32

"Sec. 3314.012. (A) Within ninety days of September 28, 1999, 33
the superintendent of public instruction shall appoint 34
representatives of the department of education, including 35
employees who work with the education management information 36
system, to a committee to develop report card models for community 37
schools. The committee shall design model report cards appropriate 38
for the various types of community schools approved to operate in 39
the state. Sufficient models shall be developed to reflect the 40
variety of grade levels served and the missions of the state's 41
community schools. All models shall include both financial and 42
academic data. The initial models shall be developed by March 31, 43
2000. 44

(B) The Except as provided in section 3314.017 of the Revised 45
Code, the department of education shall issue an annual report 46
card for each community school, regardless of how long the school 47
has been in operation. The report card shall report the academic 48
and financial performance of the school utilizing one of the 49

models developed under division (A) of this section. The report
card shall include all information applicable to school buildings
under division (A) of section 3302.03 of the Revised Code. The
ratings a community school receives under section 3302.03 of the
Revised Code for its first two full school years shall not be
considered toward automatic closure of the school under section
3314.35 of the Revised Code or any other matter that is based on
report card ratings.

(C) Upon receipt of a copy of a contract between a sponsor
and a community school entered into under this chapter, the
department of education shall notify the community school of the
specific model report card that will be used for that school.

(D) Report cards shall be distributed to the parents of all
students in the community school, to the members of the board of
education of the school district in which the community school is
located, and to any person who requests one from the department."

Between lines 3272 and 3273, insert:

"Sec. 3314.017. (A) Not later than December 31, 2014, the
state board of education shall prescribe by rules, adopted in
accordance with Chapter 119. of the Revised Code, an academic
performance rating and report card system that satisfies the
requirements of this section for community schools described in
division (A) (3) (a) of section 3314.35 of the Revised Code, to be
used in lieu of the system prescribed under sections 3302.03 and
3314.012 of the Revised Code. Beginning with the 2014-2015 school
year, the system developed under this section shall be used for
community schools that primarily serve students enrolled in
dropout prevention and recovery programs as described in division
(A) (3) (a) of section 3314.35 of the Revised Code, and each such
school shall comply with the testing and reporting requirements of
the system as prescribed by the state board.

(B) Pending development of the system prescribed by this 81
section, for the 2012-2013 and 2013-2014 school years, the 82
department shall not apply the rating and report card system 83
prescribed by sections 3302.03 and 3314.012 of the Revised Code to 84
any community school described in division (A)(3)(a) of section 85
3314.35 of the Revised Code. No report card under those sections 86
shall be issued for such schools for those school years. However, 87
nothing in this section shall at any time relieve a school from 88
its obligations under the "No Child Left Behind Act of 2001" to 89
make "adequate yearly progress," as both that act and that term 90
are defined in section 3302.01 of the Revised Code, or a school's 91
amenability to the provisions of section 3302.04 or 3302.041 of 92
the Revised Code. The department of education shall continue to 93
report each school's performance as required by the act and to 94
enforce applicable sanctions under section 3302.04 or 3302.041 of 95
the Revised Code. 96

(C) The state board shall prescribe the following performance 97
indicators for the rating and report card system required by this 98
section: 99

(1) Graduation rate for each of the following student 100
cohorts: 101

(a) Percentage of students currently enrolled in a school who 102
entered ninth grade for the first time four years prior to the 103
current school year and earned a high school diploma by the 104
completion of the current school year; 105

(b) Percentage of students currently enrolled in a school who 106
entered ninth grade for the first time five years prior to the 107
current school year and earned a high school diploma by the 108
completion of the current school year; 109

(c) Percentage of students currently enrolled in a school who 110
entered ninth grade for the first time six years prior to the 111

current school year and earned a high school diploma by the 112
completion of the current school year; 113

(d) Percentage of students currently enrolled in a school who 114
entered ninth grade for the first time seven years prior to the 115
current school year and earned a high school diploma by the 116
completion of the current school year; 117

(e) Percentage of students currently enrolled in a school who 118
entered ninth grade for the first time eight years prior to the 119
current school year and earned a high school diploma by the 120
completion of the current school year. 121

(2) The percentage of twelfth-grade students currently 122
enrolled in the school who are within three months of their 123
twenty-second birthday and have attained the designated passing 124
score on all of the applicable state high school achievement 125
assessments required under division (B)(1) or (2) of section 126
3301.0710 of the Revised Code by their twenty-second birthday. 127

(3) Growth in annual student achievement in reading and 128
mathematics as measured by separate nationally norm-referenced 129
assessments, prescribed by the state board. 130

(D) The state board shall prescribe the expected performance 131
levels and benchmarks for each of the indicators prescribed by 132
division (C) of this section based on the data gathered by the 133
department under division (E) of this section. Based on a school's 134
level of attainment or nonattainment of the expected performance 135
levels and benchmarks for each of the indicators, the department 136
shall rate each school in one of the following categories: 137

(1) Exceeds standards; 138

(2) Meets standards; 139

(3) Does not meet standards. 140

The rating and the relevant performance data for each school 141
shall be posted on the department's web site. 142

(E) In developing the rating and report card system required 143
by this section, during the 2012-2013 and 2013-2014 school years, 144
the department shall gather and analyze data as determined 145
necessary from each community school described in division 146
(A)(3)(a) of section 3314.35 of the Revised Code. Each such school 147
shall cooperate with the department by supplying requested data 148
and administering required assessments, including sample 149
assessments for purposes of measuring student achievement growth 150
as described in division (C)(3) of this section. The department 151
shall consult with stakeholder groups in performing its duties 152
under this division." 153

Between lines 3783 and 3784, insert: 154

"Sec. 3314.05. (A) The contract between the community school 155
and the sponsor shall specify the facilities to be used for the 156
community school and the method of acquisition. Except as provided 157
in divisions (B)(3) and (4) of this section, no community school 158
shall be established in more than one school district under the 159
same contract. 160

(B) Division (B) of this section shall not apply to internet- 161
or computer-based community schools. 162

(1) A community school may be located in multiple facilities 163
under the same contract only if the limitations on availability of 164
space prohibit serving all the grade levels specified in the 165
contract in a single facility or division (B)(2), (3), or (4) of 166
this section applies to the school. The school shall not offer the 167
same grade level classrooms in more than one facility. 168

(2) A community school may be located in multiple facilities 169
under the same contract and, notwithstanding division (B)(1) of 170

this section, may assign students in the same grade level to 171
multiple facilities, as long as all of the following apply: 172

(a) The governing authority of the community school filed a 173
copy of its contract with the school's sponsor under section 174
3314.03 of the Revised Code with the superintendent of public 175
instruction on or before May 15, 2008. 176

(b) The school was not open for operation prior to July 1, 177
2008. 178

(c) The governing authority has entered into and maintains a 179
contract with an operator of the type described in division 180
(A) (8) (b) of section 3314.02 of the Revised Code. 181

(d) The contract with that operator qualified the school to 182
be established pursuant to division (A) of former section 3314.016 183
of the Revised Code. 184

(e) Section 3314.017 of the Revised Code does not apply to 185
the school. 186

(f) The school's rating under section 3302.03 of the Revised 187
Code does not fall below "in need of continuous improvement" for 188
two or more consecutive years. 189

(3) A new start-up community school may be established in two 190
school districts under the same contract if all of the following 191
apply: 192

(a) At least one of the school districts in which the school 193
is established is a challenged school district; 194

(b) The school operates not more than one facility in each 195
school district and, in accordance with division (B) (1) of this 196
section, the school does not offer the same grade level classrooms 197
in both facilities; and 198

(c) Transportation between the two facilities does not 199

require more than thirty minutes of direct travel time as measured
by school bus.

In the case of a community school to which division (B) (3) of
this section applies, if only one of the school districts in which
the school is established is a challenged school district, that
district shall be considered the school's primary location and the
district in which the school is located for the purposes of
division (A) (19) of section 3314.03 and divisions (C) and (H) of
section 3314.06 of the Revised Code and for all other purposes of
this chapter. If both of the school districts in which the school
is established are challenged school districts, the school's
governing authority shall designate one of those districts to be
considered the school's primary location and the district in which
the school is located for the purposes of those divisions and all
other purposes of this chapter and shall notify the department of
education of that designation.

(4) A community school may be located in multiple facilities
under the same contract and, notwithstanding division (B) (1) of
this section, may assign students in the same grade level to
multiple facilities, as long as both of the following apply:

(a) The facilities are all located in the same county.

(b) The governing authority has entered into and maintains a
contract with an operator.

In the case of a community school to which division (B) (4) of
this section applies and that maintains facilities in more than
one school district, the school's governing authority shall
designate one of those districts to be considered the school's
primary location and the district in which the school is located
for the purposes of division (A) (19) of section 3314.03 and
divisions (C) and (H) of section 3314.06 of the Revised Code and
for all other purposes of this chapter and shall notify the

department of that designation. 231

(5) Any facility used for a community school shall meet all 232
health and safety standards established by law for school 233
buildings. 234

(C) In the case where a community school is proposed to be 235
located in a facility owned by a school district or educational 236
service center, the facility may not be used for such community 237
school unless the district or service center board owning the 238
facility enters into an agreement for the community school to 239
utilize the facility. Use of the facility may be under any terms 240
and conditions agreed to by the district or service center board 241
and the school. 242

(D) Two or more separate community schools may be located in 243
the same facility. 244

(E) In the case of a community school that is located in 245
multiple facilities, beginning July 1, 2012, the department shall 246
assign a unique identification number to the school and to each 247
facility maintained by the school. Each number shall be used for 248
identification purposes only. Nothing in this division shall be 249
construed to require the department to calculate the amount of 250
funds paid under this chapter, or to compute any data required for 251
the report cards issued under section 3314.012 or 3314.017 of the 252
Revised Code, for each facility separately. The department shall 253
make all such calculations or computations for the school as a 254
whole." 255

In line 4608, delete all after "Code" 256

Delete lines 4609 and 4610 257

In line 4611, delete all before the semicolon 258

In line 9823, after "3313.978," insert "3314.012,"; after 259
"3314.03," insert "3314.05," 260

In line 7 of the title, after "3313.978," insert "3314.012," 261
 In line 8 of the title, after "3314.03," insert "3314.05," 262
 In line 18 of the title, delete "3302.022," 263
 In line 19 of the title, after "3313.847," insert "3314.017," 264

The motion was _____ agreed to.

SYNOPSIS

Performance Standards for Dropout Recovery Community Schools 265
R.C. 3314.017; Removes R.C. 3302.022; Conforming Changes in 266
R.C. 3302.042, 3302.12, 3302.20, 3302.21, 3314.012, and 3314.05 267

Replaces the bill's provisions requiring the State Board of 268
 Education, by March 31, 2013, to adopt academic performance 269
 indicators specifically for dropout prevention and recovery 270
 programs operated by school districts and community schools for 271
 use in rating them on the annual report cards, with new 272
 stipulations for a separate rating system specifically for 273
 community schools that operate dropout prevention and recovery 274
 programs to be used beginning with the 2014-2015 school year. 275

The amendment's provisions do the following: 276

(1) Require the State Board, by December 31, 2014, to adopt 277
 rules prescribing a new rating system for dropout prevention and 278
 recovery programs that meet the amendment's specifications; 279

(2) Specify that the rating system use the following 280
 performance metrics: (a) four-year, five-year, six-year, 281
 seven-year, and eight-year graduation rates; (b) the percentage of 282
 twelfth-grade students currently enrolled in a school who are 283
 within three months of their 22nd birthday and have attained the 284

passing score on all of the applicable state high school
achievement assessments by their 22nd birthday; and (c) growth in
annual student achievement in reading and mathematics as measured
by separate nationally norm-referenced assessments prescribed by
the State Board.

(3) Specify that the rating designations be "exceeds
standards," "meets standards," and "does not meet standards";

(4) Require the Department, in developing the rating system,
to gather data from community schools that operate dropout
prevention and recovery programs and to consult with stakeholder
groups;

(5) Require community schools that operate dropout prevention
and recovery programs to supply requested data to the Department
for use in developing the rating system;

(6) Prohibit the Department from applying the current report
card rating system to community schools that operate dropout
prevention and recovery programs for the 2012-2013 and 2013-2014
school years, pending development of the new rating system.
(However, the amendment states that these community schools still
must comply with the requirements of the federal No Child Left
Behind Act of 2001 and that the Department must continue to report
each school's performance and to enforce applicable sanctions
under the federal law.)

Automatic Closure of Community Schools

R.C. 3314.35

Removes the Senate provision that cancels dropout recovery
community schools' exemption from the law requiring closure of
low-performing community schools once new report cards for these
schools are issued. This change restores current law, under which
the exemption is permanent.