

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**S. B. No. 126**

**Senator Sawyer**

**Cosponsors: Senators Yuko, Cafaro, Schiavoni, Williams**

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**A BILL**

To enact section 3313.984 of the Revised Code to 1  
require a study of interdistrict open enrollment 2  
not later than July 1, 2017, and to amend 3  
sections 3310.01, 3310.06, 3313.64, 3313.6411, 4  
3313.97, 3313.974, 3313.982, 3314.07, 3315.18, 5  
3317.03, 3318.011, 3323.143, 3326.51, and 6  
3327.05 and to repeal sections 3313.98, 7  
3313.981, 3313.983, and 3313.984 of the Revised 8  
Code effective December 31, 2017, to terminate 9  
interdistrict open enrollment on that date with 10  
the possibility of renewal following the General 11  
Assembly's examination of the study's findings. 12

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

**Section 1.** That section 3313.984 of the Revised Code be 13  
enacted to read as follows: 14

**Sec. 3313.984.** Not later than July 1, 2017, the department 15  
of education shall conduct a study on the implementation and 16  
effectiveness of the interdistrict open enrollment policies 17  
under sections 3313.98, 3313.981, and 3313.983 of the Revised 18  
Code. The study shall focus on the effects of open enrollment in 19

providing educational benefit to students and the fiscal impact 20  
on school districts. In addition, the study shall closely assess 21  
the impact of open enrollment on low-wealth school districts. 22

Through the course of the study, the department shall: 23

(A) Investigate the ramifications of requiring each school 24  
district to maintain an adjacent district or statewide open 25  
enrollment policy; 26

(B) Compare the fiscal and administrative effects of 27  
counting open enrollment students where those students are 28  
educated versus counting students where they reside; 29

(C) Consider other funding model alternatives; 30

(D) Examine whether an amount representing only the state 31  
share of funding should be transferred to a school district that 32  
enrolls open enrollment students, if students continue to be 33  
counted where they reside. 34

**Section 2.** That sections 3310.01, 3310.06, 3313.64, 35  
3313.6411, 3313.97, 3313.974, 3313.982, 3314.07, 3315.18, 36  
3317.03, 3318.011, 3323.143, 3326.51, and 3327.05 of the Revised 37  
Code be amended to read as follows: 38

**Sec. 3310.01.** As used in sections 3310.01 to 3310.17 of 39  
the Revised Code: 40

(A) "Chartered nonpublic school" means a nonpublic school 41  
that holds a valid charter issued by the state board of 42  
education under section 3301.16 of the Revised Code and meets 43  
the standards established for such schools in rules adopted by 44  
the state board. 45

(B) An "eligible student" is a student who satisfies the 46  
conditions specified in section 3310.03 or 3310.032 of the 47

Revised Code. 48

(C) ~~"Parent" has the same meaning as in section 3313.98 of~~ 49  
~~the Revised Code~~ means either of the natural or adoptive parents 50  
~~of a student, except under the following conditions:~~ 51

(1) When the marriage of the natural or adoptive parents 52  
of the student has been terminated by a divorce, dissolution of 53  
marriage, or annulment or the natural or adoptive parents of the 54  
student are living separate and apart under a legal separation 55  
decree and the court has issued an order allocating the parental 56  
rights and responsibilities with respect to the student, 57  
"parent" means the residential parent as designated by the court 58  
except that "parent" means either parent when the court issues a 59  
shared parenting decree. 60

(2) When a court has granted temporary or permanent 61  
custody of the student to an individual or agency other than 62  
either of the natural or adoptive parents of the student, 63  
"parent" means the legal custodian of the child. 64

(3) When a court has appointed a guardian for the student, 65  
"parent" means the guardian of the student. 66

(D) "Resident district" means the school district in which 67  
a student is entitled to attend school under section 3313.64 or 68  
3313.65 of the Revised Code. 69

(E) "School year" has the same meaning as in section 70  
3313.62 of the Revised Code. 71

**Sec. 3310.06.** It is the policy adopted by the general 72  
assembly that the educational choice scholarship pilot program 73  
shall be construed as one of several educational options 74  
available for students enrolled in persistently low-performing 75  
school buildings or for students from low-income families. 76

Students may be enrolled in the schools of the student's 77  
resident district, in a community school established under 78  
Chapter 3314. of the Revised Code, ~~in the schools of another~~ 79  
~~school district pursuant to an open enrollment policy adopted~~ 80  
~~under section 3313.98 of the Revised Code,~~ in a chartered 81  
nonpublic school with or without a scholarship under the 82  
educational choice scholarship pilot program, or in other 83  
schools as the law may provide. 84

**Sec. 3313.64.** (A) As used in this section and in section 85  
3313.65 of the Revised Code: 86

(1) (a) Except as provided in division (A) (1) (b) of this 87  
section, "parent" means either parent, unless the parents are 88  
separated or divorced or their marriage has been dissolved or 89  
annulled, in which case "parent" means the parent who is the 90  
residential parent and legal custodian of the child. When a 91  
child is in the legal custody of a government agency or a person 92  
other than the child's natural or adoptive parent, "parent" 93  
means the parent with residual parental rights, privileges, and 94  
responsibilities. When a child is in the permanent custody of a 95  
government agency or a person other than the child's natural or 96  
adoptive parent, "parent" means the parent who was divested of 97  
parental rights and responsibilities for the care of the child 98  
and the right to have the child live with the parent and be the 99  
legal custodian of the child and all residual parental rights, 100  
privileges, and responsibilities. 101

(b) When a child is the subject of a power of attorney 102  
executed under sections 3109.51 to 3109.62 of the Revised Code, 103  
"parent" means the grandparent designated as attorney in fact 104  
under the power of attorney. When a child is the subject of a 105  
caretaker authorization affidavit executed under sections 106

3109.64 to 3109.73 of the Revised Code, "parent" means the grandparent that executed the affidavit.

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

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

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

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

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

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

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

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

(a) A public children services agency;

(b) An organization that holds a certificate issued by the

Ohio department of job and family services in accordance with 134  
the requirements of section 5103.03 of the Revised Code and 135  
assumes temporary or permanent custody of children through 136  
commitment, agreement, or surrender, and places children in 137  
family homes for the purpose of adoption; 138

(c) Comparable agencies of other states or countries that 139  
have complied with applicable requirements of section 2151.39 of 140  
the Revised Code or as applicable, sections 5103.20 to 5103.22 141  
or 5103.23 to 5103.237 of the Revised Code. 142

(6) A child is placed for adoption if either of the 143  
following occurs: 144

(a) An agency to which the child has been permanently 145  
committed or surrendered enters into an agreement with a person 146  
pursuant to section 5103.16 of the Revised Code for the care and 147  
adoption of the child. 148

(b) The child's natural parent places the child pursuant 149  
to section 5103.16 of the Revised Code with a person who will 150  
care for and adopt the child. 151

(7) "Preschool child with a disability" has the same 152  
meaning as in section 3323.01 of the Revised Code. 153

(8) "Child," unless otherwise indicated, includes 154  
preschool children with disabilities. 155

(9) "Active duty" means active duty pursuant to an 156  
executive order of the president of the United States, an act of 157  
the congress of the United States, or section 5919.29 or 5923.21 158  
of the Revised Code. 159

(B) Except as otherwise provided in section 3321.01 of the 160  
Revised Code for admittance to kindergarten and first grade, a 161

child who is at least five but under twenty-two years of age and 162  
any preschool child with a disability shall be admitted to 163  
school as provided in this division. 164

(1) A child shall be admitted to the schools of the school 165  
district in which the child's parent resides. 166

(2) Except as provided in division (B) of section 2151.362 167  
and section 3317.30 of the Revised Code, a child who does not 168  
reside in the district where the child's parent resides shall be 169  
admitted to the schools of the district in which the child 170  
resides if any of the following applies: 171

(a) The child is in the legal or permanent custody of a 172  
government agency or a person other than the child's natural or 173  
adoptive parent. 174

(b) The child resides in a home. 175

(c) The child requires special education. 176

(3) A child who is not entitled under division (B) (2) of 177  
this section to be admitted to the schools of the district where 178  
the child resides and who is residing with a resident of this 179  
state with whom the child has been placed for adoption shall be 180  
admitted to the schools of the district where the child resides 181  
unless either of the following applies: 182

(a) The placement for adoption has been terminated. 183

(b) Another school district is required to admit the child 184  
under division (B) (1) of this section. 185

Division (B) of this section does not prohibit the board 186  
of education of a school district from placing a child with a 187  
disability who resides in the district in a special education 188  
program outside of the district or its schools in compliance 189

with Chapter 3323. of the Revised Code. 190

(C) A district shall not charge tuition for children 191  
admitted under division (B)(1) or (3) of this section. If the 192  
district admits a child under division (B)(2) of this section, 193  
tuition shall be paid to the district that admits the child as 194  
provided in divisions (C)(1) to (3) of this section, unless 195  
division (C)(4) of this section applies to the child: 196

(1) If the child receives special education in accordance 197  
with Chapter 3323. of the Revised Code, the school district of 198  
residence, as defined in section 3323.01 of the Revised Code, 199  
shall pay tuition for the child in accordance with section 200  
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 201  
regardless of who has custody of the child or whether the child 202  
resides in a home. 203

(2) For a child that does not receive special education in 204  
accordance with Chapter 3323. of the Revised Code, except as 205  
otherwise provided in division (C)(2)(d) of this section, if the 206  
child is in the permanent or legal custody of a government 207  
agency or person other than the child's parent, tuition shall be 208  
paid by: 209

(a) The district in which the child's parent resided at 210  
the time the court removed the child from home or at the time 211  
the court vested legal or permanent custody of the child in the 212  
person or government agency, whichever occurred first; 213

(b) If the parent's residence at the time the court 214  
removed the child from home or placed the child in the legal or 215  
permanent custody of the person or government agency is unknown, 216  
tuition shall be paid by the district in which the child resided 217  
at the time the child was removed from home or placed in legal 218

or permanent custody, whichever occurred first; 219

(c) If a school district cannot be established under 220  
division (C) (2) (a) or (b) of this section, tuition shall be paid 221  
by the district determined as required by section 2151.362 of 222  
the Revised Code by the court at the time it vests custody of 223  
the child in the person or government agency; 224

(d) If at the time the court removed the child from home 225  
or vested legal or permanent custody of the child in the person 226  
or government agency, whichever occurred first, one parent was 227  
in a residential or correctional facility or a juvenile 228  
residential placement and the other parent, if living and not in 229  
such a facility or placement, was not known to reside in this 230  
state, tuition shall be paid by the district determined under 231  
division (D) of section 3313.65 of the Revised Code as the 232  
district required to pay any tuition while the parent was in 233  
such facility or placement; 234

(e) If the department of education has determined, 235  
pursuant to division (A) (2) of section 2151.362 of the Revised 236  
Code, that a school district other than the one named in the 237  
court's initial order, or in a prior determination of the 238  
department, is responsible to bear the cost of educating the 239  
child, the district so determined shall be responsible for that 240  
cost. 241

(3) If the child is not in the permanent or legal custody 242  
of a government agency or person other than the child's parent 243  
and the child resides in a home, tuition shall be paid by one of 244  
the following: 245

(a) The school district in which the child's parent 246  
resides; 247

(b) If the child's parent is not a resident of this state, 248  
the home in which the child resides. 249

(4) Division (C) (4) of this section applies to any child 250  
who is admitted to a school district under division (B) (2) of 251  
this section, resides in a home that is not a foster home, a 252  
home maintained by the department of youth services, a detention 253  
facility established under section 2152.41 of the Revised Code, 254  
or a juvenile facility established under section 2151.65 of the 255  
Revised Code, receives educational services at the home or 256  
facility in which the child resides pursuant to a contract 257  
between the home or facility and the school district providing 258  
those services, and does not receive special education. 259

In the case of a child to which division (C) (4) of this 260  
section applies, the total educational cost to be paid for the 261  
child shall be determined by a formula approved by the 262  
department of education, which formula shall be designed to 263  
calculate a per diem cost for the educational services provided 264  
to the child for each day the child is served and shall reflect 265  
the total actual cost incurred in providing those services. The 266  
department shall certify the total educational cost to be paid 267  
for the child to both the school district providing the 268  
educational services and, if different, the school district that 269  
is responsible to pay tuition for the child. The department 270  
shall deduct the certified amount from the state basic aid funds 271  
payable under Chapter 3317. of the Revised Code to the district 272  
responsible to pay tuition and shall pay that amount to the 273  
district providing the educational services to the child. 274

(D) Tuition required to be paid under divisions (C) (2) and 275  
(3) (a) of this section shall be computed in accordance with 276  
section 3317.08 of the Revised Code. Tuition required to be paid 277

under division (C) (3) (b) of this section shall be computed in 278  
accordance with section 3317.081 of the Revised Code. If a home 279  
fails to pay the tuition required by division (C) (3) (b) of this 280  
section, the board of education providing the education may 281  
recover in a civil action the tuition and the expenses incurred 282  
in prosecuting the action, including court costs and reasonable 283  
attorney's fees. If the prosecuting attorney or city director of 284  
law represents the board in such action, costs and reasonable 285  
attorney's fees awarded by the court, based upon the prosecuting 286  
attorney's, director's, or one of their designee's time spent 287  
preparing and presenting the case, shall be deposited in the 288  
county or city general fund. 289

(E) A board of education may enroll a child free of any 290  
tuition obligation for a period not to exceed sixty days, on the 291  
sworn statement of an adult resident of the district that the 292  
resident has initiated legal proceedings for custody of the 293  
child. 294

(F) In the case of any individual entitled to attend 295  
school under this division, no tuition shall be charged by the 296  
school district of attendance and no other school district shall 297  
be required to pay tuition for the individual's attendance. 298  
Notwithstanding division (B), (C), or (E) of this section: 299

(1) All persons at least eighteen but under twenty-two 300  
years of age who live apart from their parents, support 301  
themselves by their own labor, and have not successfully 302  
completed the high school curriculum or the individualized 303  
education program developed for the person by the high school 304  
pursuant to section 3323.08 of the Revised Code, are entitled to 305  
attend school in the district in which they reside. 306

(2) Any child under eighteen years of age who is married 307

is entitled to attend school in the child's district of 308  
residence. 309

(3) A child is entitled to attend school in the district 310  
in which either of the child's parents is employed if the child 311  
has a medical condition that may require emergency medical 312  
attention. The parent of a child entitled to attend school under 313  
division (F)(3) of this section shall submit to the board of 314  
education of the district in which the parent is employed a 315  
statement from the child's physician certifying that the child's 316  
medical condition may require emergency medical attention. The 317  
statement shall be supported by such other evidence as the board 318  
may require. 319

(4) Any child residing with a person other than the 320  
child's parent is entitled, for a period not to exceed twelve 321  
months, to attend school in the district in which that person 322  
resides if the child's parent files an affidavit with the 323  
superintendent of the district in which the person with whom the 324  
child is living resides stating all of the following: 325

(a) That the parent is serving outside of the state in the 326  
armed services of the United States; 327

(b) That the parent intends to reside in the district upon 328  
returning to this state; 329

(c) The name and address of the person with whom the child 330  
is living while the parent is outside the state. 331

(5) Any child under the age of twenty-two years who, after 332  
the death of a parent, resides in a school district other than 333  
the district in which the child attended school at the time of 334  
the parent's death is entitled to continue to attend school in 335  
the district in which the child attended school at the time of 336

the parent's death for the remainder of the school year, subject 337  
to approval of that district board. 338

(6) A child under the age of twenty-two years who resides 339  
with a parent who is having a new house built in a school 340  
district outside the district where the parent is residing is 341  
entitled to attend school for a period of time in the district 342  
where the new house is being built. In order to be entitled to 343  
such attendance, the parent shall provide the district 344  
superintendent with the following: 345

(a) A sworn statement explaining the situation, revealing 346  
the location of the house being built, and stating the parent's 347  
intention to reside there upon its completion; 348

(b) A statement from the builder confirming that a new 349  
house is being built for the parent and that the house is at the 350  
location indicated in the parent's statement. 351

(7) A child under the age of twenty-two years residing 352  
with a parent who has a contract to purchase a house in a school 353  
district outside the district where the parent is residing and 354  
who is waiting upon the date of closing of the mortgage loan for 355  
the purchase of such house is entitled to attend school for a 356  
period of time in the district where the house is being 357  
purchased. In order to be entitled to such attendance, the 358  
parent shall provide the district superintendent with the 359  
following: 360

(a) A sworn statement explaining the situation, revealing 361  
the location of the house being purchased, and stating the 362  
parent's intent to reside there; 363

(b) A statement from a real estate broker or bank officer 364  
confirming that the parent has a contract to purchase the house, 365

that the parent is waiting upon the date of closing of the mortgage loan, and that the house is at the location indicated in the parent's statement.

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

(8) A child whose parent is a full-time employee of a city, local, or exempted village school district, or of an educational service center, may be admitted to the schools of the district where the child's parent is employed, or in the case of a child whose parent is employed by an educational service center, in the district that serves the location where the parent's job is primarily located, provided the district board of education establishes such an admission policy by resolution adopted by a majority of its members. Any such policy shall take effect on the first day of the school year and the effective date of any amendment or repeal may not be prior to the first day of the subsequent school year. The policy shall be uniformly applied to all such children and shall provide for the admission of any such child upon request of the parent. No child

may be admitted under this policy after the first day of classes 397  
of any school year. 398

(9) A child who is with the child's parent under the care 399  
of a shelter for victims of domestic violence, as defined in 400  
section 3113.33 of the Revised Code, is entitled to attend 401  
school free in the district in which the child is with the 402  
child's parent, and no other school district shall be required 403  
to pay tuition for the child's attendance in that school 404  
district. 405

The enrollment of a child in a school district under this 406  
division shall not be denied due to a delay in the school 407  
district's receipt of any records required under section 408  
3313.672 of the Revised Code or any other records required for 409  
enrollment. Any days of attendance and any credits earned by a 410  
child while enrolled in a school district under this division 411  
shall be transferred to and accepted by any school district in 412  
which the child subsequently enrolls. The state board of 413  
education shall adopt rules to ensure compliance with this 414  
division. 415

(10) Any child under the age of twenty-two years whose 416  
parent has moved out of the school district after the 417  
commencement of classes in the child's senior year of high 418  
school is entitled, subject to the approval of that district 419  
board, to attend school in the district in which the child 420  
attended school at the time of the parental move for the 421  
remainder of the school year and for one additional semester or 422  
equivalent term. A district board may also adopt a policy 423  
specifying extenuating circumstances under which a student may 424  
continue to attend school under division (F)(10) of this section 425  
for an additional period of time in order to successfully 426

complete the high school curriculum for the individualized 427  
education program developed for the student by the high school 428  
pursuant to section 3323.08 of the Revised Code. 429

(11) As used in this division, "grandparent" means a 430  
parent of a parent of a child. A child under the age of twenty- 431  
two years who is in the custody of the child's parent, resides 432  
with a grandparent, and does not require special education is 433  
entitled to attend the schools of the district in which the 434  
child's grandparent resides, provided that, prior to such 435  
attendance in any school year, the board of education of the 436  
school district in which the child's grandparent resides and the 437  
board of education of the school district in which the child's 438  
parent resides enter into a written agreement specifying that 439  
good cause exists for such attendance, describing the nature of 440  
this good cause, and consenting to such attendance. 441

In lieu of a consent form signed by a parent, a board of 442  
education may request the grandparent of a child attending 443  
school in the district in which the grandparent resides pursuant 444  
to division (F)(11) of this section to complete any consent form 445  
required by the district, including any authorization required 446  
by sections 3313.712, 3313.713, 3313.716, and 3313.718 of the 447  
Revised Code. Upon request, the grandparent shall complete any 448  
consent form required by the district. A school district shall 449  
not incur any liability solely because of its receipt of a 450  
consent form from a grandparent in lieu of a parent. 451

Division (F)(11) of this section does not create, and 452  
shall not be construed as creating, a new cause of action or 453  
substantive legal right against a school district, a member of a 454  
board of education, or an employee of a school district. This 455  
section does not affect, and shall not be construed as 456

affecting, any immunities from defenses to tort liability 457  
created or recognized by Chapter 2744. of the Revised Code for a 458  
school district, member, or employee. 459

(12) A child under the age of twenty-two years is entitled 460  
to attend school in a school district other than the district in 461  
which the child is entitled to attend school under division (B), 462  
(C), or (E) of this section provided that, prior to such 463  
attendance in any school year, both of the following occur: 464

(a) The superintendent of the district in which the child 465  
is entitled to attend school under division (B), (C), or (E) of 466  
this section contacts the superintendent of another district for 467  
purposes of this division; 468

(b) The superintendents of both districts enter into a 469  
written agreement that consents to the attendance and specifies 470  
that the purpose of such attendance is to protect the student's 471  
physical or mental well-being or to deal with other extenuating 472  
circumstances deemed appropriate by the superintendents. 473

While an agreement is in effect under this division for a 474  
student who is not receiving special education under Chapter 475  
3323. of the Revised Code and notwithstanding Chapter 3327. of 476  
the Revised Code, the board of education of neither school 477  
district involved in the agreement is required to provide 478  
transportation for the student to and from the school where the 479  
student attends. 480

A student attending a school of a district pursuant to 481  
this division shall be allowed to participate in all student 482  
activities, including interscholastic athletics, at the school 483  
where the student is attending on the same basis as any student 484  
who has always attended the schools of that district while of 485

compulsory school age. 486

(13) All school districts shall comply with the "McKinney- 487  
Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et seq., for 488  
the education of homeless children. Each city, local, and 489  
exempted village school district shall comply with the 490  
requirements of that act governing the provision of a free, 491  
appropriate public education, including public preschool, to 492  
each homeless child. 493

When a child loses permanent housing and becomes a 494  
homeless person, as defined in 42 U.S.C.A. 11481(5), or when a 495  
child who is such a homeless person changes temporary living 496  
arrangements, the child's parent or guardian shall have the 497  
option of enrolling the child in either of the following: 498

(a) The child's school of origin, as defined in 42 499  
U.S.C.A. 11432(g)(3)(C); 500

(b) The school that is operated by the school district in 501  
which the shelter where the child currently resides is located 502  
and that serves the geographic area in which the shelter is 503  
located. 504

(14) A child under the age of twenty-two years who resides 505  
with a person other than the child's parent is entitled to 506  
attend school in the school district in which that person 507  
resides if both of the following apply: 508

(a) That person has been appointed, through a military 509  
power of attorney executed under section 574(a) of the "National 510  
Defense Authorization Act for Fiscal Year 1994," 107 Stat. 1674 511  
(1993), 10 U.S.C. 1044b, or through a comparable document 512  
necessary to complete a family care plan, as the parent's agent 513  
for the care, custody, and control of the child while the parent 514

is on active duty as a member of the national guard or a reserve 515  
unit of the armed forces of the United States or because the 516  
parent is a member of the armed forces of the United States and 517  
is on a duty assignment away from the parent's residence. 518

(b) The military power of attorney or comparable document 519  
includes at least the authority to enroll the child in school. 520

The entitlement to attend school in the district in which 521  
the parent's agent under the military power of attorney or 522  
comparable document resides applies until the end of the school 523  
year in which the military power of attorney or comparable 524  
document expires. 525

(G) A board of education, after approving admission, may 526  
waive tuition for students who will temporarily reside in the 527  
district and who are either of the following: 528

(1) Residents or domiciliaries of a foreign nation who 529  
request admission as foreign exchange students; 530

(2) Residents or domiciliaries of the United States but 531  
not of Ohio who request admission as participants in an exchange 532  
program operated by a student exchange organization. 533

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 534  
3323.04, 3327.04, and 3327.06 of the Revised Code, a child may 535  
attend school or participate in a special education program in a 536  
school district other than in the district where the child is 537  
entitled to attend school under division (B) of this section. 538

(I) (1) Notwithstanding anything to the contrary in this 539  
section or section 3313.65 of the Revised Code, a child under 540  
twenty-two years of age may attend school in the school district 541  
in which the child, at the end of the first full week of October 542  
of the school year, was entitled to attend school as otherwise 543

provided under this section or section 3313.65 of the Revised Code, if at that time the child was enrolled in the schools of the district but since that time the child or the child's parent has relocated to a new address located outside of that school district and within the same county as the child's or parent's address immediately prior to the relocation. The child may continue to attend school in the district, and at the school to which the child was assigned at the end of the first full week of October of the current school year, for the balance of the school year. Division (I)(1) of this section applies only if both of the following conditions are satisfied:

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

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

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

(3) Any person or entity owing tuition to the school district on behalf of the child at the end of the first full week in October, as provided in division (C) of this section, shall continue to owe such tuition to the district for the child's attendance under division (I)(1) of this section for the lesser of the balance of the school year or the balance of the

time that the child attends school in the district under 574  
division (I) (1) of this section. 575

(4) (a) A pupil who may attend school in the district under 576  
division (I) (1) of this section shall be entitled to 577  
transportation services pursuant to an agreement between the 578  
district and the district in which the child or child's parent 579  
has relocated ~~unless~~. 580

(b) If the districts have not entered into such an 581  
agreement, in which case the child shall be entitled to 582  
transportation services in the same manner as a pupil attending 583  
school in the district under interdistrict open enrollment as 584  
described in division (H) of section 3313.981 of the Revised 585  
Code, regardless of whether the district has adopted an open 586  
enrollment policy as described in division (B) (1) (b) or (c) of 587  
section 3313.98 of the Revised Code, the district in which the 588  
pupil is attending school shall provide transportation for the 589  
pupil within the boundaries of that district upon the request of 590  
a parent, provided the district offers transportation to pupils 591  
of the same grade level and distance from school under section 592  
3327.01 of the Revised Code, and provided that the district 593  
shall be required to pick up and drop off a nondisabled student 594  
only at a regular school bus stop designated in accordance with 595  
the district's transportation policy. Pursuant to rules of the 596  
state board of education, the district may reimburse the parent 597  
from funds received under section 3317.0212 of the Revised Code 598  
for the reasonable cost of transportation from the pupil's home 599  
to the designated school bus stop if the pupil's family has an 600  
income below the federal poverty line. 601

(J) This division does not apply to a child receiving 602  
special education. 603

A school district required to pay tuition pursuant to 604  
division (C) (2) or (3) of this section or section 3313.65 of the 605  
Revised Code shall have an amount deducted under division (C) of 606  
section 3317.023 of the Revised Code equal to its own tuition 607  
rate for the same period of attendance. A school district 608  
entitled to receive tuition pursuant to division (C) (2) or (3) 609  
of this section or section 3313.65 of the Revised Code shall 610  
have an amount credited under division (C) of section 3317.023 611  
of the Revised Code equal to its own tuition rate for the same 612  
period of attendance. If the tuition rate credited to the 613  
district of attendance exceeds the rate deducted from the 614  
district required to pay tuition, the department of education 615  
shall pay the district of attendance the difference from amounts 616  
deducted from all districts' payments under division (C) of 617  
section 3317.023 of the Revised Code but not credited to other 618  
school districts under such division and from appropriations 619  
made for such purpose. The treasurer of each school district 620  
shall, by the fifteenth day of January and July, furnish the 621  
superintendent of public instruction a report of the names of 622  
each child who attended the district's schools under divisions 623  
(C) (2) and (3) of this section or section 3313.65 of the Revised 624  
Code during the preceding six calendar months, the duration of 625  
the attendance of those children, the school district 626  
responsible for tuition on behalf of the child, and any other 627  
information that the superintendent requires. 628

Upon receipt of the report the superintendent, pursuant to 629  
division (C) of section 3317.023 of the Revised Code, shall 630  
deduct each district's tuition obligations under divisions (C) 631  
(2) and (3) of this section or section 3313.65 of the Revised 632  
Code and pay to the district of attendance that amount plus any 633  
amount required to be paid by the state. 634

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

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

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

**Sec. 3313.6411.** (A) As used in this section, "parent" has the same meaning as in section ~~3313.98~~ 3310.01 of the Revised Code.

(B) When a student enrolls in a school operated by a city, exempted village, or local school district, a school official

with responsibility for admissions shall provide the student's parent, during the admissions process, with a copy of the most recent report card issued under section 3302.03 of the Revised Code.

**Sec. 3313.97.** Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, this section does not apply to any joint vocational or cooperative education school district.

(A) As used in this section:

(1) "Parent" has the same meaning as in section ~~3313.64~~ 3310.01 of the Revised Code.

(2) "Alternative school" means a school building other than the one to which a student is assigned by the district superintendent.

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

(B) The board of education of each city, local, and exempted village school district shall adopt an open enrollment policy allowing students entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code to enroll in an alternative school. Each policy shall provide for the following:

(1) Application procedures, including deadlines for application and for notification of students and principals of alternative schools whenever a student's application is accepted. The policy shall require a student to apply only if the student wishes to attend an alternative school.

(2) The establishment of district capacity limits by grade

level, school building, and education program;	693
(3) A requirement that students enrolled in a school building or living in any attendance area of the school building established by the superintendent or board be given preference over applicants;	694 695 696 697
(4) Procedures to ensure that an appropriate racial balance is maintained in the district schools.	698 699
Each policy may permit a student to permanently transfer to an alternative school so that the student need not reapply annually for permission to attend the alternative school.	700 701 702
(C) Except as provided in section 3313.982 of the Revised Code, the procedures for admitting applicants to alternative schools shall not include:	703 704 705
(1) Any requirement of academic ability, or any level of athletic, artistic, or other extracurricular skills;	706 707
(2) Limitations on admitting applicants because of disabling conditions, except that a board may require a student receiving services under Chapter 3323. of the Revised Code to attend school where the services described in the student's IEP are available;	708 709 710 711 712
(3) A requirement that the student be proficient in the English language;	713 714
(4) Rejection of any applicant because the student has been subject to disciplinary proceedings, except that if an applicant has been suspended or expelled for ten consecutive days or more in the term for which admission is sought or in the term immediately preceding the term for which admission is sought, the procedures may include a provision denying admission	715 716 717 718 719 720

of such applicant to an alternative school. 721

(D) (1) Notwithstanding Chapter 3327. of the Revised Code, 722  
and except as provided in division (D) (2) of this section, a 723  
district board is not required to provide transportation to a 724  
nondisabled student enrolled in an alternative school unless 725  
such student can be picked up and dropped off at a regular 726  
school bus stop designated in accordance with the board's 727  
transportation policy or unless the board is required to provide 728  
additional transportation to the student in accordance with a 729  
court-approved desegregation plan. 730

(2) A district board shall provide transportation to any 731  
student described in 20 U.S.C. 6316(b) (1) (F) to the extent 732  
required by division (E) of section 3302.04 of the Revised Code, 733  
except that no district board shall be required to provide 734  
transportation to any such student after the school in which the 735  
student was enrolled immediately prior to enrolling in the 736  
alternative school makes adequate yearly progress, as defined in 737  
section 3302.01 of the Revised Code, for two consecutive school 738  
years. 739

(E) Each school board shall provide information about the 740  
policy adopted under this section and the application procedures 741  
and deadlines to the parent of each student in the district and 742  
to the general public. 743

(F) The state board of education shall monitor school 744  
districts to ensure compliance with this section and the 745  
districts' policies. 746

**Sec. 3313.974.** As used in this section and in sections 747  
3313.975 to 3313.979 of the Revised Code: 748

(A) "Individualized education program" and "child with a 749

disability" have the same meanings as in section 3323.01 of the Revised Code.

(B) "Mainstreamed student with a disability" means a child with a disability who has an individualized education program providing for the student to spend more than half of each school day in a regular school setting with nondisabled students.

(C) "Separately educated student with a disability" means a child with a disability who has an individualized education program providing for the student to spend at least half of each school day in a class or setting separated from nondisabled students.

(D) "Low-income family" means a family whose income is below the level which the superintendent of public instruction shall establish.

(E) "Parent" has the same meaning as in section ~~3313.98~~ 3310.01 of the Revised Code.

(F) "Registered private school" means a school registered with the superintendent of public instruction pursuant to section 3313.976 of the Revised Code.

(G) "Alternative school" means a registered private school located in a school district or a public school located in an adjacent school district.

(H) "Tutorial assistance" means instructional services provided to a student outside of regular school hours approved by the commission on school choice pursuant to section 3313.976 of the Revised Code.

**Sec. 3313.982.** Notwithstanding division (C) (1) of section 3313.97 and ~~division (C) (1) of section 3313.98~~ of the Revised

Code:	778
(A) Any school district board operating any schools on October 1, 1989, admission to which was restricted to students possessing certain academic, athletic, artistic, or other skills, may continue to restrict admission to such schools.	779 780 781 782
(B) Any district board that did not operate any schools described by division (A) of this section on October 1, 1989, and that desires to begin restricting admission to any school on the basis of student academic, athletic, artistic, or other skills, may submit a plan proposing such restricted admission to the state board of education. If the board finds that the plan will generally promote increased educational opportunities for students in the district and will not unduly restrict opportunities for some students, it may approve the plan and the district board may implement it during the next ensuing school year.	783 784 785 786 787 788 789 790 791 792 793
<b>Sec. 3314.07.</b> (A) The expiration of the contract for a community school between a sponsor and a school shall be the date provided in the contract. A successor contract may be entered into pursuant to division (E) of section 3314.03 of the Revised Code unless the contract is terminated or not renewed pursuant to this section.	794 795 796 797 798 799
(B) (1) A sponsor may choose not to renew a contract at its expiration or may choose to terminate a contract prior to its expiration for any of the following reasons:	800 801 802
(a) Failure to meet student performance requirements stated in the contract;	803 804
(b) Failure to meet generally accepted standards of fiscal management;	805 806

(c) Violation of any provision of the contract or applicable state or federal law; 807  
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(d) Other good cause. 809

(2) A sponsor may choose to terminate a contract prior to its expiration if the sponsor has suspended the operation of the contract under section 3314.072 of the Revised Code. 810  
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(3) Not later than the first day of February in the year in which the sponsor intends to terminate or take actions not to renew the community school's contract, the sponsor shall notify the school of the proposed action in writing. The notice shall include the reasons for the proposed action in detail, the effective date of the termination or nonrenewal, and a statement that the school may, within fourteen days of receiving the notice, request an informal hearing before the sponsor. Such request must be in writing. The informal hearing shall be held within fourteen days of the receipt of a request for the hearing. Not later than fourteen days after the informal hearing, the sponsor shall issue a written decision either affirming or rescinding the decision to terminate or not renew the contract. 813  
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(4) A decision by the sponsor to terminate a contract may be appealed to the state board of education. The notice of appeal shall be filed with the state board not later than fourteen days following receipt of the sponsor's written decision to terminate the contract. Within sixty days of receipt of the notice of appeal, the state board shall conduct a hearing and issue a written decision on the appeal. The written decision of the state board shall include the reasons for affirming or rescinding the decision of the sponsor. The decision by the state board pertaining to an appeal under this division is 827  
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final. If the sponsor is the state board, its decision to 837  
terminate a contract under division (B) (3) of this section shall 838  
be final. 839

(5) The termination of a contract under this section shall 840  
be effective upon the occurrence of the later of the following 841  
events: 842

(a) The date the sponsor notifies the school of its 843  
decision to terminate the contract as prescribed in division (B) 844  
(3) of this section; 845

(b) If an informal hearing is requested under division (B) 846  
(3) of this section and as a result of that hearing the sponsor 847  
affirms its decision to terminate the contract, the effective 848  
date of the termination specified in the notice issued under 849  
division (B) (3) of this section, or if that decision is appealed 850  
to the state board under division (B) (4) of this section and the 851  
state board affirms that decision, the date established in the 852  
resolution of the state board affirming the sponsor's decision. 853

(6) Any community school whose contract is terminated 854  
under division (B) of this section shall close permanently at 855  
the end of the current school year or on a date specified in the 856  
notification of termination under division (B) (3) of this 857  
section. Any community school whose contract is terminated under 858  
this division shall not enter into a contract with any other 859  
sponsor. 860

(C) A child attending a community school whose contract 861  
has been terminated, nonrenewed, or suspended or that closes for 862  
any reason shall be admitted to the schools of the district in 863  
which the child is entitled to attend under section 3313.64 or 864  
3313.65 of the Revised Code. Any deadlines established for the 865

purpose of admitting students under section 3313.97 ~~or 3313.98~~ 866  
of the Revised Code shall be waived for students to whom this 867  
division pertains. 868

(D) If a community school does not intend to renew a 869  
contract with its sponsor, the community school shall notify its 870  
sponsor in writing of that fact at least one hundred eighty days 871  
prior to the expiration of the contract. Such a community school 872  
may enter into a contract with a new sponsor in accordance with 873  
section 3314.03 of the Revised Code upon the expiration of the 874  
previous contract. 875

(E) A sponsor of a community school and the officers, 876  
directors, or employees of such a sponsor are immune from civil 877  
liability for any action authorized under this chapter or the 878  
contract entered into with the school under section 3314.03 of 879  
the Revised Code that is taken to fulfill the sponsor's 880  
responsibility to oversee and monitor the school. The sponsor 881  
and its officers, directors, or employees are not liable in 882  
damages in a tort or other civil action for harm allegedly 883  
arising from either of the following: 884

(1) A failure of the community school or any of its 885  
officers, directors, or employees to perform any statutory or 886  
common law duty or responsibility or any other legal obligation; 887

(2) An action or omission of the community school or any 888  
of its officers, directors, or employees that results in harm. 889

(F) As used in this section: 890

(1) "Harm" means injury, death, or loss to person or 891  
property. 892

(2) "Tort action" means a civil action for damages for 893  
injury, death, or loss to person or property other than a civil 894

action for damages for a breach of contract or another agreement 895  
between persons. 896

**Sec. 3315.18.** (A) The board of education of each city, 897  
exempted village, local, and joint vocational school district 898  
shall establish a capital and maintenance fund. Each board 899  
annually shall deposit into that fund an amount derived from 900  
revenues received by the district that would otherwise have been 901  
deposited in the general fund that is equal to three per cent of 902  
the formula amount for the preceding fiscal year, as defined in 903  
section 3317.02 of the Revised Code, or another percentage if 904  
established by the auditor of state under division (B) of this 905  
section, multiplied by the district's student population for the 906  
preceding fiscal year, except that money received from a 907  
permanent improvement levy authorized by section 5705.21 of the 908  
Revised Code may replace general revenue moneys in meeting the 909  
requirements of this section. Money in the fund shall be used 910  
solely for acquisition, replacement, enhancement, maintenance, 911  
or repair of permanent improvements, as that term is defined in 912  
section 5705.01 of the Revised Code. Any money in the fund that 913  
is not used in any fiscal year shall carry forward to the next 914  
fiscal year. 915

(B) The state superintendent of public instruction and the 916  
auditor of state jointly shall adopt rules in accordance with 917  
Chapter 119. of the Revised Code defining what constitutes 918  
expenditures permitted by division (A) of this section. The 919  
auditor of state may designate a percentage, other than three 920  
per cent, of the formula amount multiplied by the district's 921  
student population that must be deposited into the fund. 922

(C) Within its capital and maintenance fund, a school 923  
district board of education may establish a separate account 924

solely for the purpose of depositing funds transferred from the 925  
district's reserve balance account established under former 926  
division (H) of section 5705.29 of the Revised Code. After April 927  
10, 2001, a board may deposit all or part of the funds formerly 928  
included in such reserve balance account in the separate account 929  
established under this section. Funds deposited in this separate 930  
account and interest on such funds shall be utilized solely for 931  
the purpose of providing the district's portion of the basic 932  
project costs of any project undertaken in accordance with 933  
Chapter 3318. of the Revised Code. 934

(D) (1) Notwithstanding division (A) of this section, in 935  
any year a district is in fiscal emergency status as declared 936  
pursuant to section 3316.03 of the Revised Code, the district 937  
may deposit an amount less than required by division (A) of this 938  
section, or make no deposit, into the district capital and 939  
maintenance fund for that year. 940

(2) Notwithstanding division (A) of this section, in any 941  
fiscal year that a school district is either in fiscal watch 942  
status, as declared pursuant to section 3316.03 of the Revised 943  
Code, or in fiscal caution status, as declared pursuant to 944  
section 3316.031 of the Revised Code, the district may apply to 945  
the superintendent of public instruction for a waiver from the 946  
requirements of division (A) of this section, under which the 947  
district may be permitted to deposit an amount less than 948  
required by that division or permitted to make no deposit into 949  
the district capital and maintenance fund for that year. The 950  
superintendent may grant a waiver under division (D) (2) of this 951  
section if the district demonstrates to the satisfaction of the 952  
superintendent that compliance with division (A) of this section 953  
that year will create an undue financial hardship on the 954  
district. 955

(3) Notwithstanding division (A) of this section, not more often than one fiscal year in every three consecutive fiscal years, any school district that does not satisfy the conditions for the exemption described in division (D)(1) of this section or the conditions to apply for the waiver described in division (D)(2) of this section may apply to the superintendent of public instruction for a waiver from the requirements of division (A) of this section, under which the district may be permitted to deposit an amount less than required by that division or permitted to make no deposit into the district capital and maintenance fund for that year. The superintendent may grant a waiver under division (D)(3) of this section if the district demonstrates to the satisfaction of the superintendent that compliance with division (A) of this section that year will necessitate the reduction or elimination of a program currently offered by the district that is critical to the academic success of students of the district and that no reasonable alternatives exist for spending reductions in other areas of operation within the district that negate the necessity of the reduction or elimination of that program.

(E) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the requirements of this section prevail over any conflicting provisions of agreements between employee organizations and public employers entered into after November 21, 1997.

(F) As used in this section, "student population" means the average, daily, full-time equivalent number of students in kindergarten through twelfth grade receiving any educational services from the school district during the first full school week in October, excluding students enrolled in adult education classes, but including all of the following:

~~(1) Adjacent or other district students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the Revised Code;~~ 987  
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~~(2)~~ 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; 990  
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~~(3)~~ (2) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code. 994  
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The department of education shall determine a district's student population using data reported to it under section 3317.03 of the Revised Code for the applicable fiscal year. 996  
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**Sec. 3317.03.** (A) The superintendent of each city, local, and exempted village school district shall report to the state board of education as of the last day of October, March, and June of each year the enrollment of students receiving services from schools under the superintendent's supervision, and the numbers of other students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code the superintendent is required to report under this section, so that the department of education can calculate the district's formula ADM, total ADM, category one through five career-technical education ADM, category one through three limited English proficient ADM, category one through six special education ADM, preschool scholarship ADM, transportation ADM, and, for purposes of provisions of law outside of Chapter 3317. of the Revised Code, average daily membership. 999  
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(1) The enrollment reported by the superintendent during the reporting period shall consist of the number of students in 1014  
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grades kindergarten through twelve receiving any educational 1016  
services from the district, except that the following categories 1017  
of students shall not be included in the determination: 1018

(a) Students enrolled in adult education classes; 1019

(b) Adjacent or other district students enrolled in the 1020  
district under an open enrollment policy pursuant to section 1021  
3313.98 of the Revised Code~~+~~. Division (A)(1)(b) of this section 1022  
does not apply after December 31, 2017. 1023

(c) Students receiving services in the district pursuant 1024  
to a compact, cooperative education agreement, or a contract, 1025  
but who are entitled to attend school in another district 1026  
pursuant to section 3313.64 or 3313.65 of the Revised Code; 1027

(d) Students for whom tuition is payable pursuant to 1028  
sections 3317.081 and 3323.141 of the Revised Code; 1029

(e) Students receiving services in the district through a 1030  
scholarship awarded under either section 3310.41 or sections 1031  
3310.51 to 3310.64 of the Revised Code. 1032

When reporting students under division (A)(1) of this 1033  
section, the superintendent also shall report the district where 1034  
each student is entitled to attend school pursuant to sections 1035  
3313.64 and 3313.65 of the Revised Code. 1036

(2) The department of education shall compile a list of 1037  
all students reported to be enrolled in a district under 1038  
division (A)(1) of this section and of the students entitled to 1039  
attend school in the district pursuant to section 3313.64 or 1040  
3313.65 of the Revised Code on an FTE basis but receiving 1041  
educational services in grades kindergarten through twelve from 1042  
one or more of the following entities: 1043

(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;	1044 1045 1046 1047
(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;	1048 1049 1050
(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., 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;	1051 1052 1053 1054 1055 1056 1057
(d) An adjacent or other school district under an open enrollment policy adopted pursuant to section 3313.98 of the Revised Code <del>+</del> . <u>Division (A) (2) (d) of this section does not apply after December 31, 2017.</u>	1058 1059 1060 1061
(e) An educational service center or cooperative education district;	1062 1063
(f) Another school district under a cooperative education agreement, compact, or contract;	1064 1065
(g) A chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code, if the students qualified for the scholarship under section 3310.03 of the Revised Code;	1066 1067 1068 1069
(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.	1070 1071 1072

As used in this section, "alternative public provider" and 1073  
"registered private provider" have the same meanings as in 1074  
section 3310.41 or 3310.51 of the Revised Code, as applicable. 1075

(i) A science, technology, engineering, and mathematics 1076  
school established under Chapter 3326. of the Revised Code, 1077  
including any participation in a college pursuant to Chapter 1078  
3365. of the Revised Code while enrolled in the school; 1079

(j) A college-preparatory boarding school established 1080  
under Chapter 3328. of the Revised Code, including any 1081  
participation in a college pursuant to Chapter 3365. of the 1082  
Revised Code while enrolled in the school. 1083

(3) The department also shall compile a list of the 1084  
students entitled to attend school in the district under section 1085  
3313.64 or 3313.65 of the Revised Code who are enrolled in a 1086  
joint vocational school district or under a career-technical 1087  
education compact, excluding any students so entitled to attend 1088  
school in the district who are enrolled in another school 1089  
district through an open enrollment policy as reported under 1090  
division (A)(2)(d) of this section and then enroll in a joint 1091  
vocational school district or under a career-technical education 1092  
compact. 1093

The department shall provide each city, local, and 1094  
exempted village school district with an opportunity to review 1095  
the list of students compiled under divisions (A)(2) and (3) of 1096  
this section to ensure that the students reported accurately 1097  
reflect the enrollment of students in the district. 1098

(B) To enable the department of education to obtain the 1099  
data needed to complete the calculation of payments pursuant to 1100  
this chapter, each superintendent shall certify from the reports 1101

provided by the department under division (A) of this section 1102  
all of the following: 1103

(1) The total student enrollment in regular learning day 1104  
classes included in the report under division (A) (1) or (2) of 1105  
this section for each of the individual grades kindergarten 1106  
through twelve in schools under the superintendent's 1107  
supervision; 1108

(2) The unduplicated count of the number of preschool 1109  
children with disabilities enrolled in the district for whom the 1110  
district is eligible to receive funding under section 3317.0213 1111  
of the Revised Code adjusted for the portion of the year each 1112  
child is so enrolled, in accordance with the disability 1113  
categories prescribed in section 3317.013 of the Revised Code; 1114

(3) The number of children entitled to attend school in 1115  
the district pursuant to section 3313.64 or 3313.65 of the 1116  
Revised Code who are: 1117

(a) Participating in a pilot project scholarship program 1118  
established under sections 3313.974 to 3313.979 of the Revised 1119  
Code as described in division (I) (2) (a) or (b) of this section; 1120

(b) Enrolled in a college under Chapter 3365. of the 1121  
Revised Code, except when the student is enrolled in the college 1122  
while also enrolled in a community school pursuant to Chapter 1123  
3314. of the Revised Code, a science, technology, engineering, 1124  
and mathematics school established under Chapter 3326., or a 1125  
college-preparatory boarding school established under Chapter 1126  
3328. of the Revised Code; 1127

(c) Enrolled in an adjacent or other school district under 1128  
section 3313.98 of the Revised Code~~+~~. Division (B) (3) (c) of this 1129  
section does not apply after December 31, 2017. 1130

(d) Enrolled in a community school established under 1131  
Chapter 3314. of the Revised Code that is not an internet- or 1132  
computer-based community school as defined in section 3314.02 of 1133  
the Revised Code, including any participation in a college 1134  
pursuant to Chapter 3365. of the Revised Code while enrolled in 1135  
such community school; 1136

(e) Enrolled in an internet- or computer-based community 1137  
school, as defined in section 3314.02 of the Revised Code, 1138  
including any participation in a college pursuant to Chapter 1139  
3365. of the Revised Code while enrolled in the school; 1140

(f) Enrolled in a chartered nonpublic school with a 1141  
scholarship paid under section 3310.08 of the Revised Code and 1142  
who qualified for the scholarship under section 3310.03 of the 1143  
Revised Code; 1144

(g) Enrolled in kindergarten through grade twelve in an 1145  
alternative public provider or a registered private provider 1146  
with a scholarship awarded under section 3310.41 of the Revised 1147  
Code; 1148

(h) Enrolled as a preschool child with a disability in an 1149  
alternative public provider or a registered private provider 1150  
with a scholarship awarded under section 3310.41 of the Revised 1151  
Code; 1152

(i) Participating in a program operated by a county DD 1153  
board or a state institution; 1154

(j) Enrolled in a science, technology, engineering, and 1155  
mathematics school established under Chapter 3326. of the 1156  
Revised Code, including any participation in a college pursuant 1157  
to Chapter 3365. of the Revised Code while enrolled in the 1158  
school; 1159

(k) Enrolled in a college-preparatory boarding school	1160
established under Chapter 3328. of the Revised Code, including	1161
any participation in a college pursuant to Chapter 3365. of the	1162
Revised Code while enrolled in the school;	1163
(l) Enrolled in an alternative public provider or a	1164
registered private provider with a scholarship awarded under	1165
sections 3310.51 to 3310.64 of the Revised Code.	1166
(4) The total enrollment of pupils in joint vocational	1167
schools;	1168
(5) The combined enrollment of children with disabilities	1169
reported under division (A) (1) or (2) of this section receiving	1170
special education services for the category one disability	1171
described in division (A) of section 3317.013 of the Revised	1172
Code, including children attending a special education program	1173
operated by an alternative public provider or a registered	1174
private provider with a scholarship awarded under sections	1175
3310.51 to 3310.64 of the Revised Code;	1176
(6) The combined enrollment of children with disabilities	1177
reported under division (A) (1) or (2) of this section receiving	1178
special education services for category two disabilities	1179
described in division (B) of section 3317.013 of the Revised	1180
Code, including children attending a special education program	1181
operated by an alternative public provider or a registered	1182
private provider with a scholarship awarded under sections	1183
3310.51 to 3310.64 of the Revised Code;	1184
(7) The combined enrollment of children with disabilities	1185
reported under division (A) (1) or (2) of this section receiving	1186
special education services for category three disabilities	1187
described in division (C) of section 3317.013 of the Revised	1188

Code, including children attending a special education program	1189
operated by an alternative public provider or a registered	1190
private provider with a scholarship awarded under sections	1191
3310.51 to 3310.64 of the Revised Code;	1192
(8) The combined enrollment of children with disabilities	1193
reported under division (A)(1) or (2) of this section receiving	1194
special education services for category four disabilities	1195
described in division (D) of section 3317.013 of the Revised	1196
Code, including children attending a special education program	1197
operated by an alternative public provider or a registered	1198
private provider with a scholarship awarded under sections	1199
3310.51 to 3310.64 of the Revised Code;	1200
(9) The combined enrollment of children with disabilities	1201
reported under division (A)(1) or (2) of this section receiving	1202
special education services for the category five disabilities	1203
described in division (E) of section 3317.013 of the Revised	1204
Code, including children attending a special education program	1205
operated by an alternative public provider or a registered	1206
private provider with a scholarship awarded under sections	1207
3310.51 to 3310.64 of the Revised Code;	1208
(10) The combined enrollment of children with disabilities	1209
reported under division (A)(1) or (2) and under division (B)(3)	1210
(h) of this section receiving special education services for	1211
category six disabilities described in division (F) of section	1212
3317.013 of the Revised Code, including children attending a	1213
special education program operated by an alternative public	1214
provider or a registered private provider with a scholarship	1215
awarded under either section 3310.41 or sections 3310.51 to	1216
3310.64 of the Revised Code;	1217
(11) The enrollment of pupils reported under division (A)	1218

(1) or (2) of this section on a full-time equivalency basis in 1219  
category one career-technical education programs or classes, 1220  
described in division (A) of section 3317.014 of the Revised 1221  
Code, operated by the school district or by another district 1222  
that is a member of the district's career-technical planning 1223  
district, other than a joint vocational school district, or by 1224  
an educational service center, notwithstanding division (H) of 1225  
section 3317.02 of the Revised Code and division (C) (3) of this 1226  
section; 1227

(12) The enrollment of pupils reported under division (A) 1228  
(1) or (2) of this section on a full-time equivalency basis in 1229  
category two career-technical education programs or services, 1230  
described in division (B) of section 3317.014 of the Revised 1231  
Code, operated by the school district or another school district 1232  
that is a member of the district's career-technical planning 1233  
district, other than a joint vocational school district, or by 1234  
an educational service center, notwithstanding division (H) of 1235  
section 3317.02 of the Revised Code and division (C) (3) of this 1236  
section; 1237

(13) The enrollment of pupils reported under division (A) 1238  
(1) or (2) of this section on a full-time equivalency basis in 1239  
category three career-technical education programs or services, 1240  
described in division (C) of section 3317.014 of the Revised 1241  
Code, operated by the school district or another school district 1242  
that is a member of the district's career-technical planning 1243  
district, other than a joint vocational school district, or by 1244  
an educational service center, notwithstanding division (H) of 1245  
section 3317.02 of the Revised Code and division (C) (3) of this 1246  
section; 1247

(14) The enrollment of pupils reported under division (A) 1248

(1) or (2) of this section on a full-time equivalency basis in 1249  
category four career-technical education programs or services, 1250  
described in division (D) of section 3317.014 of the Revised 1251  
Code, operated by the school district or another school district 1252  
that is a member of the district's career-technical planning 1253  
district, other than a joint vocational school district, or by 1254  
an educational service center, notwithstanding division (H) of 1255  
section 3317.02 of the Revised Code and division (C) (3) of this 1256  
section; 1257

(15) The enrollment of pupils reported under division (A) 1258  
(1) or (2) of this section on a full-time equivalency basis in 1259  
category five career-technical education programs or services, 1260  
described in division (E) of section 3317.014 of the Revised 1261  
Code, operated by the school district or another school district 1262  
that is a member of the district's career-technical planning 1263  
district, other than a joint vocational school district, or by 1264  
an educational service center, notwithstanding division (H) of 1265  
section 3317.02 of the Revised Code and division (C) (3) of this 1266  
section; 1267

(16) The enrollment of pupils reported under division (A) 1268  
(1) or (2) of this section who are limited English proficient 1269  
students described in division (A) of section 3317.016 of the 1270  
Revised Code, excluding any student reported under division (B) 1271  
(3) (e) of this section as enrolled in an internet- or computer- 1272  
based community school; 1273

(17) The enrollment of pupils reported under division (A) 1274  
(1) or (2) of this section who are limited English proficient 1275  
students described in division (B) of section 3317.016 of the 1276  
Revised Code, excluding any student reported under division (B) 1277  
(3) (e) of this section as enrolled in an internet- or computer- 1278

based community school;	1279
(18) The enrollment of pupils reported under division (A)	1280
(1) or (2) of this section who are limited English proficient	1281
students described in division (C) of section 3317.016 of the	1282
Revised Code, excluding any student reported under division (B)	1283
(3) (e) of this section as enrolled in an internet- or computer-	1284
based community school;	1285
(19) The average number of children transported during the	1286
reporting period by the school district on board-owned or	1287
contractor-owned and -operated buses, reported in accordance	1288
with rules adopted by the department of education;	1289
(20) (a) The number of children, other than preschool	1290
children with disabilities, the district placed with a county DD	1291
board in fiscal year 1998. Division (B) (20) (a) of this section	1292
does not apply after fiscal year 2013.	1293
(b) The number of children with disabilities, other than	1294
preschool children with disabilities, placed with a county DD	1295
board in the current fiscal year to receive special education	1296
services for the category one disability described in division	1297
(A) of section 3317.013 of the Revised Code;	1298
(c) The number of children with disabilities, other than	1299
preschool children with disabilities, placed with a county DD	1300
board in the current fiscal year to receive special education	1301
services for category two disabilities described in division (B)	1302
of section 3317.013 of the Revised Code;	1303
(d) The number of children with disabilities, other than	1304
preschool children with disabilities, placed with a county DD	1305
board in the current fiscal year to receive special education	1306
services for category three disabilities described in division	1307

(C) of section 3317.013 of the Revised Code;	1308
(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;	1309 1310 1311 1312 1313
(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;	1314 1315 1316 1317 1318
(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.	1319 1320 1321 1322 1323
(21) The enrollment of students who are economically disadvantaged, as defined by the department, excluding any student reported under division (B) (3) (e) of this section as enrolled in an internet- or computer-based community school. A student shall not be categorically excluded from the number reported under division (B) (21) of this section based on anything other than family income.	1324 1325 1326 1327 1328 1329 1330
(C) (1) The state board of education shall adopt rules necessary for implementing divisions (A), (B), and (D) of this section.	1331 1332 1333
(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	1334 1335 1336

college-preparatory boarding school established under Chapter 1337  
3328. of the Revised Code shall be counted in the formula ADM 1338  
and, if applicable, the category one, two, three, four, five, or 1339  
six special education ADM of the school district in which the 1340  
student is entitled to attend school under section 3313.64 or 1341  
3313.65 of the Revised Code for the same proportion of the 1342  
school year that the student is counted in the enrollment of the 1343  
community school, the science, technology, engineering, and 1344  
mathematics school, or the college-preparatory boarding school 1345  
for purposes of section 3314.08, 3326.33, or 3328.24 of the 1346  
Revised Code. Notwithstanding the enrollment of students 1347  
certified pursuant to division (B) (3) (d), (e), (j), or (k) of 1348  
this section, the department may adjust the formula ADM of a 1349  
school district to account for students entitled to attend 1350  
school in the district under section 3313.64 or 3313.65 of the 1351  
Revised Code who are enrolled in a community school, a science, 1352  
technology, engineering, and mathematics school, or a college- 1353  
preparatory boarding school for only a portion of the school 1354  
year. 1355

(3) No child shall be counted as more than a total of one 1356  
child in the sum of the enrollment of students of a school 1357  
district under division (A), divisions (B) (1) to (22), or 1358  
division (D) of this section, except as follows: 1359

(a) A child with a disability described in section 1360  
3317.013 of the Revised Code may be counted both in formula ADM 1361  
and in category one, two, three, four, five, or six special 1362  
education ADM and, if applicable, in category one, two, three, 1363  
four, or five career-technical education ADM. As provided in 1364  
division (H) of section 3317.02 of the Revised Code, such a 1365  
child shall be counted in category one, two, three, four, five, 1366  
or six special education ADM in the same proportion that the 1367

child is counted in formula ADM. 1368

(b) A child enrolled in career-technical education 1369  
programs or classes described in section 3317.014 of the Revised 1370  
Code may be counted both in formula ADM and category one, two, 1371  
three, four, or five career-technical education ADM and, if 1372  
applicable, in category one, two, three, four, five, or six 1373  
special education ADM. Such a child shall be counted in category 1374  
one, two, three, four, or five career-technical education ADM in 1375  
the same proportion as the percentage of time that the child 1376  
spends in the career-technical education programs or classes. 1377

(4) Based on the information reported under this section, 1378  
the department of education shall determine the total student 1379  
count, as defined in section 3301.011 of the Revised Code, for 1380  
each school district. 1381

(D) (1) The superintendent of each joint vocational school 1382  
district shall report and certify to the superintendent of 1383  
public instruction as of the last day of October, March, and 1384  
June of each year the enrollment of students receiving services 1385  
from schools under the superintendent's supervision so that the 1386  
department can calculate the district's formula ADM, total ADM, 1387  
category one through five career-technical education ADM, 1388  
category one through three limited English proficient ADM, 1389  
category one through six special education ADM, and for purposes 1390  
of provisions of law outside of Chapter 3317. of the Revised 1391  
Code, average daily membership. 1392

The enrollment reported and certified by the 1393  
superintendent, except as otherwise provided in this division, 1394  
shall consist of the the number of students in grades six 1395  
through twelve receiving any educational services from the 1396  
district, except that the following categories of students shall 1397

not be included in the determination:	1398
(a) Students enrolled in adult education classes;	1399
(b) Adjacent or other district joint vocational students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the Revised Code <del>+</del> . <u>Division (D)</u> <u>(1) (b) of this section does not apply after December 31, 2017.</u>	1400 1401 1402 1403
(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 a city, local, or exempted village school district whose territory is not part of the territory of the joint vocational district;	1404 1405 1406 1407 1408
(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.	1409 1410
(2) To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this chapter, each superintendent shall certify from the report provided under division (D) (1) of this section the enrollment for each of the following categories of students:	1411 1412 1413 1414 1415
(a) Students enrolled in each individual grade included in the joint vocational district schools;	1416 1417
(b) Children with disabilities receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code;	1418 1419 1420
(c) Children with disabilities receiving special education services for the category two disabilities described in division (B) of section 3317.013 of the Revised Code;	1421 1422 1423
(d) Children with disabilities receiving special education services for category three disabilities described in division	1424 1425

(C) of section 3317.013 of the Revised Code;	1426
(e) Children with disabilities receiving special education services for category four disabilities described in division	1427
(D) of section 3317.013 of the Revised Code;	1428
(f) Children with disabilities receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code;	1429
(f) Children with disabilities receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code;	1430
(f) Children with disabilities receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code;	1431
(f) Children with disabilities receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code;	1432
(g) Children with disabilities receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code;	1433
(g) Children with disabilities receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code;	1434
(g) Children with disabilities receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code;	1435
(h) Students receiving category one career-technical education services, described in division (A) of section 3317.014 of the Revised Code;	1436
(h) Students receiving category one career-technical education services, described in division (A) of section 3317.014 of the Revised Code;	1437
(h) Students receiving category one career-technical education services, described in division (A) of section 3317.014 of the Revised Code;	1438
(i) Students receiving category two career-technical education services, described in division (B) of section 3317.014 of the Revised Code;	1439
(i) Students receiving category two career-technical education services, described in division (B) of section 3317.014 of the Revised Code;	1440
(i) Students receiving category two career-technical education services, described in division (B) of section 3317.014 of the Revised Code;	1441
(j) Students receiving category three career-technical education services, described in division (C) of section 3317.014 of the Revised Code;	1442
(j) Students receiving category three career-technical education services, described in division (C) of section 3317.014 of the Revised Code;	1443
(j) Students receiving category three career-technical education services, described in division (C) of section 3317.014 of the Revised Code;	1444
(k) Students receiving category four career-technical education services, described in division (D) of section 3317.014 of the Revised Code;	1445
(k) Students receiving category four career-technical education services, described in division (D) of section 3317.014 of the Revised Code;	1446
(k) Students receiving category four career-technical education services, described in division (D) of section 3317.014 of the Revised Code;	1447
(l) Students receiving category five career-technical education services, described in division (E) of section 3317.014 of the Revised Code;	1448
(l) Students receiving category five career-technical education services, described in division (E) of section 3317.014 of the Revised Code;	1449
(l) Students receiving category five career-technical education services, described in division (E) of section 3317.014 of the Revised Code;	1450
(m) Limited English proficient students described in division (A) of section 3317.016 of the Revised Code;	1451
(m) Limited English proficient students described in division (A) of section 3317.016 of the Revised Code;	1452

(n) Limited English proficient students described in	1453
division (B) of section 3317.016 of the Revised Code;	1454
(o) Limited English proficient students described in	1455
division (C) of section 3317.016 of the Revised Code;	1456
(p) Students who are economically disadvantaged, as	1457
defined by the department. A student shall not be categorically	1458
excluded from the number reported under division (D) (2) (p) of	1459
this section based on anything other than family income.	1460
The superintendent of each joint vocational school	1461
district shall also indicate the city, local, or exempted	1462
village school district in which each joint vocational district	1463
pupil is entitled to attend school pursuant to section 3313.64	1464
or 3313.65 of the Revised Code.	1465
(E) In each school of each city, local, exempted village,	1466
joint vocational, and cooperative education school district	1467
there shall be maintained a record of school enrollment, which	1468
record shall accurately show, for each day the school is in	1469
session, the actual enrollment in regular day classes. For the	1470
purpose of determining the enrollment of students, the	1471
enrollment figure of any school shall not include any pupils	1472
except those pupils described by division (A) of this section.	1473
The record of enrollment for each school shall be maintained in	1474
such manner that no pupil shall be counted as enrolled prior to	1475
the actual date of entry in the school and also in such manner	1476
that where for any cause a pupil permanently withdraws from the	1477
school that pupil shall not be counted as enrolled from and	1478
after the date of such withdrawal. There shall not be included	1479
in the enrollment of any school any of the following:	1480
(1) Any pupil who has graduated from the twelfth grade of	1481

a public or nonpublic high school;	1482
(2) Any pupil who is not a resident of the state;	1483
(3) Any pupil who was enrolled in the schools of the district during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C) (1) or (3) of that section;	1484 1485 1486 1487 1488 1489
(4) Any pupil who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for reenrollment in the public school system of their residence not later than four years after termination of war or their honorable discharge;	1490 1491 1492 1493 1494 1495 1496 1497
(5) Any pupil who has a high school equivalence diploma as defined in section 5107.40 of the Revised Code.	1498 1499
If, however, any veteran described by division (E) (4) of this section elects to enroll in special courses organized for veterans for whom tuition is paid under the provisions of federal laws, or otherwise, that veteran shall not be included in the enrollment of students determined under this section.	1500 1501 1502 1503 1504
Notwithstanding division (E) (3) of this section, the enrollment of any school may include a pupil who did not take an assessment required by section 3301.0711 of the Revised Code if the superintendent of public instruction grants a waiver from the requirement to take the assessment to the specific pupil and a parent is not paying tuition for the pupil pursuant to section	1505 1506 1507 1508 1509 1510

3313.6410 of the Revised Code. The superintendent may grant such 1511  
a waiver only for good cause in accordance with rules adopted by 1512  
the state board of education. 1513

The formula ADM, total ADM, category one through five 1514  
career-technical education ADM, category one through three 1515  
limited English proficient ADM, category one through six special 1516  
education ADM, preschool scholarship ADM, transportation ADM, 1517  
and, for purposes of provisions of law outside of Chapter 3317. 1518  
of the Revised Code, average daily membership of any school 1519  
district shall be determined in accordance with rules adopted by 1520  
the state board of education. 1521

(F) (1) If a student attending a community school under 1522  
Chapter 3314., a science, technology, engineering, and 1523  
mathematics school established under Chapter 3326., or a 1524  
college-preparatory boarding school established under Chapter 1525  
3328. of the Revised Code is not included in the formula ADM 1526  
calculated for the school district in which the student is 1527  
entitled to attend school under section 3313.64 or 3313.65 of 1528  
the Revised Code, the department of education shall adjust the 1529  
formula ADM of that school district to include the student in 1530  
accordance with division (C) (2) of this section, and shall 1531  
recalculate the school district's payments under this chapter 1532  
for the entire fiscal year on the basis of that adjusted formula 1533  
ADM. 1534

(2) If a student awarded an educational choice scholarship 1535  
is not included in the formula ADM of the school district from 1536  
which the department deducts funds for the scholarship under 1537  
section 3310.08 of the Revised Code, the department shall adjust 1538  
the formula ADM of that school district to include the student 1539  
to the extent necessary to account for the deduction, and shall 1540

recalculate the school district's payments under this chapter 1541  
for the entire fiscal year on the basis of that adjusted formula 1542  
ADM. 1543

(3) If a student awarded a scholarship under the Jon 1544  
Peterson special needs scholarship program is not included in 1545  
the formula ADM of the school district from which the department 1546  
deducts funds for the scholarship under section 3310.55 of the 1547  
Revised Code, the department shall adjust the formula ADM of 1548  
that school district to include the student to the extent 1549  
necessary to account for the deduction, and shall recalculate 1550  
the school district's payments under this chapter for the entire 1551  
fiscal year on the basis of that adjusted formula ADM. 1552

(G) (1) (a) The superintendent of an institution operating a 1553  
special education program pursuant to section 3323.091 of the 1554  
Revised Code shall, for the programs under such superintendent's 1555  
supervision, certify to the state board of education, in the 1556  
manner prescribed by the superintendent of public instruction, 1557  
both of the following: 1558

(i) The unduplicated count of the number of all children 1559  
with disabilities other than preschool children with 1560  
disabilities receiving services at the institution for each 1561  
category of disability described in divisions (A) to (F) of 1562  
section 3317.013 of the Revised Code adjusted for the portion of 1563  
the year each child is so enrolled; 1564

(ii) The unduplicated count of the number of all preschool 1565  
children with disabilities in classes or programs for whom the 1566  
district is eligible to receive funding under section 3317.0213 1567  
of the Revised Code adjusted for the portion of the year each 1568  
child is so enrolled, reported according to the categories 1569  
prescribed in section 3317.013 of the Revised Code. 1570

(b) The superintendent of an institution with career- 1571  
technical education units approved under section 3317.05 of the 1572  
Revised Code shall, for the units under the superintendent's 1573  
supervision, certify to the state board of education the 1574  
enrollment in those units, in the manner prescribed by the 1575  
superintendent of public instruction. 1576

(2) The superintendent of each county DD board that 1577  
maintains special education classes under section 3317.20 of the 1578  
Revised Code or provides services to preschool children with 1579  
disabilities pursuant to an agreement between the DD board and 1580  
the appropriate school district shall do both of the following: 1581

(a) Certify to the state board, in the manner prescribed 1582  
by the board, the enrollment in classes under section 3317.20 of 1583  
the Revised Code for each school district that has placed 1584  
children in the classes; 1585

(b) Certify to the state board, in the manner prescribed 1586  
by the board, the unduplicated count of the number of all 1587  
preschool children with disabilities enrolled in classes for 1588  
which the DD board is eligible to receive funding under section 1589  
3317.0213 of the Revised Code adjusted for the portion of the 1590  
year each child is so enrolled, reported according to the 1591  
categories prescribed in section 3317.013 of the Revised Code, 1592  
and the number of those classes. 1593

(H) Except as provided in division (I) of this section, 1594  
when any city, local, or exempted village school district 1595  
provides instruction for a nonresident pupil whose attendance is 1596  
unauthorized attendance as defined in section 3327.06 of the 1597  
Revised Code, that pupil's enrollment shall not be included in 1598  
that district's enrollment figure used in calculating the 1599  
district's payments under this chapter. The reporting official 1600

shall report separately the enrollment of all pupils whose attendance in the district is unauthorized attendance, and the enrollment of each such pupil shall be credited to the school district in which the pupil is entitled to attend school under division (B) of section 3313.64 or section 3313.65 of the Revised Code as determined by the department of education.

(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 enrollment.

(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 its enrollment:

(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 enrollments 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. 1630

(K) If the superintendent of public instruction determines 1631  
that a component of the enrollment certified or reported by a 1632  
district superintendent, or other reporting entity, is not 1633  
correct, the superintendent of public instruction may order that 1634  
the formula ADM used for the purposes of payments under any 1635  
section of Title XXXVIII of the Revised Code be adjusted in the 1636  
amount of the error. 1637

**Sec. 3318.011.** For purposes of providing assistance under 1638  
sections 3318.01 to 3318.20 of the Revised Code, the department 1639  
of education shall annually do all of the following: 1640

(A) Calculate the adjusted valuation per pupil of each 1641  
city, local, and exempted village school district according to 1642  
the following formula: 1643

The district's valuation per pupil - 1644

[\$30,000 X (1 - the district's income factor)]. 1645

For purposes of this calculation: 1646

(1) Except for a district with an open enrollment net gain 1647  
that is ten per cent or more of its formula ADM, "valuation per 1648  
pupil" for a district means its average taxable value, divided 1649  
by its formula ADM for the previous fiscal year. "Valuation per 1650  
pupil," for a district with an open enrollment net gain that is 1651  
ten per cent or more of its formula ADM, means its average 1652  
taxable value, divided by the sum of its formula ADM for the 1653  
previous fiscal year plus its open enrollment net gain for the 1654  
previous fiscal year. 1655

(2) "Average taxable value" means the average of the sum 1656  
of the amounts certified for a district under divisions (A) (1) 1657

- and (2) of section 3317.021 of the Revised Code in the second, 1658  
third, and fourth preceding fiscal years. 1659
- (3) "Entitled to attend school" means entitled to attend 1660  
school in a city, local, or exempted village school district 1661  
under section 3313.64 or 3313.65 of the Revised Code. 1662
- (4) "Formula ADM" has the same meaning as in section 1663  
3317.02 of the Revised Code. 1664
- (5) "Native student" has the same meaning as in former 1665  
section 3313.98 of the Revised Code. 1666
- (6) "Open enrollment net gain" for a district means (a) 1667  
the number of the students entitled to attend school in another 1668  
district but who are enrolled in the schools of the district 1669  
under its open enrollment policy minus (b) the number of the 1670  
district's native students who are enrolled in the schools of 1671  
another district under the other district's open enrollment 1672  
policy, both numbers as certified to the department under former 1673  
section 3313.981 of the Revised Code. If the difference is a 1674  
negative number, the district's "open enrollment net gain" is 1675  
zero. For fiscal years after fiscal year 2018, every district's 1676  
open enrollment net gain is zero. 1677
- (7) "Open enrollment policy" means an interdistrict open 1678  
enrollment policy adopted under former section 3313.98 of the 1679  
Revised Code. 1680
- (8) "District median income" means the median Ohio 1681  
adjusted gross income certified for a school district under 1682  
section 3317.021 of the Revised Code. 1683
- (9) "Statewide median income" means the median district 1684  
median income of all city, exempted village, and local school 1685  
districts in the state. 1686

(10) "Income factor" for a city, exempted village, or local school district means the quotient obtained by dividing that district's median income by the statewide median income.

(B) Calculate for each district the three-year average of the adjusted valuations per pupil calculated for the district for the current and two preceding fiscal years;

(C) Rank all such districts in order of adjusted valuation per pupil from the district with the lowest three-year average adjusted valuation per pupil to the district with the highest three-year average adjusted valuation per pupil;

(D) Divide such ranking into percentiles with the first percentile containing the one per cent of school districts having the lowest three-year average adjusted valuations per pupil and the one-hundredth percentile containing the one per cent of school districts having the highest three-year average adjusted valuations per pupil;

(E) Determine the school districts that have three-year average adjusted valuations per pupil that are greater than the median three-year average adjusted valuation per pupil for all school districts in the state;

(F) On or before the first day of September, certify the information described in divisions (A) to (E) of this section to the Ohio school facilities commission.

**Sec. 3323.143.** If a child with a disability's custodial parent has made a unilateral placement of the child, the parent shall be responsible for payment of tuition to the program or facility the child is attending as a result of that placement as long as the district of residence has offered a free appropriate public education to that child. As used in this section,

"unilateral placement" means withdrawing a child with a 1716  
disability from a program or facility operated by the district 1717  
of residence or from a program or facility with which the 1718  
district of residence has arranged for education of the child 1719  
and instead enrolling that child in another program or facility 1720  
that is not a home, as defined in section 3313.64 of the Revised 1721  
Code, ~~or that is not a facility or program available to the~~ 1722  
~~child pursuant to an open enrollment policy under section~~ 1723  
~~3313.98 or 3313.983 of the Revised Code.~~ 1724

**Sec. 3326.51.** (A) As used in this section: 1725

(1) "Resident district" has the same meaning as in section 1726  
3326.31 of the Revised Code. 1727

(2) "STEM school sponsoring district" means a municipal, 1728  
city, local, exempted village, or joint vocational school 1729  
district that governs and controls a STEM school pursuant to 1730  
this section. 1731

(B) Notwithstanding any other provision of this chapter to 1732  
the contrary: 1733

(1) If a proposal for a STEM school submitted under 1734  
section 3326.03 of the Revised Code proposes that the governing 1735  
body of the school be the board of education of a municipal, 1736  
city, local, exempted village, or joint vocational school 1737  
district that is one of the partners submitting the proposal, 1738  
and the STEM committee approves that proposal, that school 1739  
district board shall govern and control the STEM school as one 1740  
of the schools of its district. 1741

(2) The STEM school sponsoring district shall maintain a 1742  
separate accounting for the STEM school as a separate and 1743  
distinct operational unit within the district's finances. The 1744

auditor of state, in the course of an annual or biennial audit 1745  
of the school district serving as the STEM school sponsoring 1746  
district, shall audit that school district for compliance with 1747  
the financing requirements of this section. 1748

(3) With respect to students enrolled in a STEM school 1749  
whose resident district is the STEM school sponsoring district: 1750

(a) The department of education shall make no deductions 1751  
under section 3326.33 of the Revised Code from the STEM school 1752  
sponsoring district's state payments. 1753

(b) The STEM school sponsoring district shall ensure that 1754  
it allocates to the STEM school funds equal to or exceeding the 1755  
amount ~~that would be calculated pursuant to division (B) of~~ 1756  
~~section 3313.981~~ sections 3326.31 to 3326.49 of the Revised 1757  
Code for the students attending the school whose resident 1758  
district is the STEM school sponsoring district. 1759

(c) The STEM school sponsoring district is responsible for 1760  
providing children with disabilities with a free appropriate 1761  
public education under Chapter 3323. of the Revised Code. 1762

(d) The STEM school sponsoring district shall provide 1763  
student transportation in accordance with laws and policies 1764  
generally applicable to the district. 1765

(4) With respect to students enrolled in the STEM school 1766  
whose resident district is another school district, the 1767  
department shall make ~~no payments or~~ and deductions under 1768  
sections 3326.31 to 3326.49 of the Revised Code. ~~Instead, the~~ 1769  
~~students shall be considered as open enrollment students and the~~ 1770  
~~department shall make payments and deductions in accordance with~~ 1771  
~~section 3313.981 of the Revised Code.~~ The STEM school sponsoring 1772  
district shall allocate the payments to the STEM school. The 1773

STEM school sponsoring district may enter into financial 1774  
agreements with the students' resident districts, which 1775  
agreements may provide financial support in addition to the 1776  
funds received ~~from the open enrollment calculation~~ under 1777  
sections 3326.31 to 3326.49 of the Revised Code. The STEM school 1778  
sponsoring district shall allocate all such additional funds to 1779  
the STEM school. 1780

(5) Where the department is required to make, deny, 1781  
reduce, or adjust payments to a STEM school sponsoring district 1782  
pursuant to this section, it shall do so in such a manner that 1783  
the STEM school sponsoring district may allocate that action to 1784  
the STEM school. 1785

(6) A STEM school sponsoring district and its board may 1786  
assign its district employees to the STEM school, in which case 1787  
section 3326.18 of the Revised Code shall not apply. The 1788  
district and board may apply any other resources of the district 1789  
to the STEM school in the same manner that it applies district 1790  
resources to other district schools. 1791

(7) Provisions of this chapter requiring a STEM school and 1792  
its governing body to comply with specified laws as if it were a 1793  
school district and in the same manner as a board of education 1794  
shall instead require such compliance by the STEM school 1795  
sponsoring district and its board of education, respectively, 1796  
with respect to the STEM school. Where a STEM school or its 1797  
governing body is required to perform a specific duty or 1798  
permitted to take a specific action under this chapter, that 1799  
duty is required to be performed or that action is permitted to 1800  
be taken by the STEM school sponsoring district or its board of 1801  
education, respectively, with respect to the STEM school. 1802

(8) No provision of this chapter limits the authority, as 1803

provided otherwise by law, of a school district and its board of education to levy taxes and issue bonds secured by tax revenues.

(9) The treasurer of the STEM school sponsoring district or, if the STEM school sponsoring district is a municipal school district, the chief financial officer of the district, shall have all of the respective rights, authority, exemptions, and duties otherwise conferred upon the treasurer or chief financial officer by the Revised Code.

**Sec. 3327.05.** (A) Except as provided in division (B) of this section, no board of education of any school district shall provide transportation for any pupil who is a school resident of another school district unless ~~the pupil is enrolled pursuant to section 3313.98 of the Revised Code or~~ the board of the other district has given its written consent thereto. If the board of any school district files with the state board of education a written complaint that transportation for resident pupils is being provided by the board of another school district contrary to this division, the state board of education shall make an investigation of such complaint. If the state board of education finds that transportation is being provided contrary to this section, it may withdraw from state funds due the offending district any part of the amount that has been approved for transportation pursuant to section 3317.0212 of the Revised Code or other provisions of law.

(B) Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, this division does not apply to any joint vocational or cooperative education school district.

A board of education may provide transportation to and from the nonpublic school of attendance if both of the following

apply: 1834

(1) The parent, guardian, or other person in charge of the 1835  
pupil agrees to pay the board for all costs incurred in 1836  
providing the transportation that are not reimbursed pursuant to 1837  
Chapter 3317. of the Revised Code; 1838

(2) The pupil's school district of residence does not 1839  
provide transportation for public school pupils of the same 1840  
grade as the pupil being transported under this division, or 1841  
that district is not required under section 3327.01 of the 1842  
Revised Code to transport the pupil to and from the nonpublic 1843  
school because the direct travel time to the nonpublic school is 1844  
more than thirty minutes. 1845

Upon receipt of the request to provide transportation, the 1846  
board shall review the request and determine whether the board 1847  
will accommodate the request. If the board agrees to transport 1848  
the pupil, the board may transport the pupil to and from the 1849  
nonpublic school and a collection point in the district, as 1850  
determined by the board. If the board transports the pupil, the 1851  
board may include the pupil in the district's enrollment 1852  
reported to the department of education for purposes of 1853  
calculating the district's transportation ADM under section 1854  
3317.03 of the Revised Code and, accordingly, may receive a 1855  
state payment under section 3317.0212 of the Revised Code or 1856  
other provisions of law for transporting the pupil. 1857

If the board declines to transport the pupil, the board, 1858  
in a written communication to the parent, guardian, or other 1859  
person in charge of the pupil, shall state the reasons for 1860  
declining the request. 1861

**Section 3.** That existing sections 3310.01, 3310.06, 1862

3313.64, 3313.6411, 3313.97, 3313.974, 3313.982, 3314.07, 1863  
3315.18, 3317.03, 3318.011, 3323.143, 3326.51, and 3327.05 of 1864  
the Revised Code are hereby repealed. 1865

**Section 4.** (A) Sections 2 and 3 of this act shall take 1866  
effect December 31, 2017. 1867

(B) Sections 3313.98, 3313.981, 3313.983, and 3313.984 of 1868  
the Revised Code are hereby repealed, effective December 31, 1869  
2017. 1870

(C) It is the intent of the General Assembly to determine 1871  
whether or not to retain the repeal of the interdistrict open 1872  
enrollment laws under this section following its examination of 1873  
the Department of Education's findings under section 3313.984 of 1874  
the Revised Code. 1875