

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

S. B. No. 128

**Senator Huffman, M.
Cosponsors: Senators Coley, Terhar, Brenner**

A BILL

To amend sections 3310.01, 3310.02, 3310.03, 1
3310.032, 3310.08, 3310.09, 3313.978, 3317.02, 2
and 3317.03 and to repeal sections 3310.035 and 3
3310.16 of the Revised Code to make changes to 4
the Educational Choice Scholarship Program and 5
the Cleveland Scholarship Program. 6

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

Section 1. That sections 3310.01, 3310.02, 3310.03, 7
3310.032, 3310.08, 3310.09, 3313.978, 3317.02, and 3317.03 of 8
the Revised Code be amended to read as follows: 9

Sec. 3310.01. As used in sections 3310.01 to 3310.17 of 10
the Revised Code: 11

(A) "Chartered nonpublic school" means a nonpublic school 12
that holds a valid charter issued by the state board of 13
education under section 3301.16 of the Revised Code and meets 14
the standards established for such schools in rules adopted by 15
the state board. 16

(B) An "eligible student" is a student who satisfies the 17
conditions specified in section 3310.03 or 3310.032 of the 18

Revised Code. 19

(C) "Parent" has the same meaning as in section 3313.98 of 20
the Revised Code. 21

(D) "Resident district" means the school district in which 22
a student is entitled to attend school under section 3313.64 or 23
3313.65 of the Revised Code. 24

(E) "School year" has the same meaning as in section 25
3313.62 of the Revised Code. 26

(F) "Sibling" means a brother, half-brother, sister, or 27
half-sister, by birth, adoption, or marriage, without regard to 28
residence or custodial status, or another child residing in the 29
same household, regardless of relation. 30

Sec. 3310.02. ~~(A)~~—The educational choice scholarship pilot 31
program is hereby established. Under the program and the 32
expansion of the program under section 3310.032 of the Revised 33
Code, the department of education annually shall pay 34
scholarships to attend chartered nonpublic schools in accordance 35
with section 3310.08 of the Revised Code ~~for up to the following 36
number of eligible students:— 37~~

~~(1) Thirty thousand in the 2011-2012 school year; 38~~

~~(2) Sixty thousand in the 2012-2013 school year and 39
thereafter to the parent of each eligible student upon 40
application of that parent in the manner prescribed by the 41
department. However, the department shall not adopt specific 42
dates for application deadlines for scholarships under the 43
program. 44~~

~~(B) If the number of students who apply for a scholarship 45
exceeds the number of scholarships available under division (A) 46~~

~~of this section for the applicable school year, the department shall award scholarships in the following order of priority:~~ 47
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~~(1) First, to eligible students who received scholarships in the prior school year;~~ 49
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~~(2) Second, to eligible students with family incomes at or below two hundred per cent of the federal poverty guidelines, as defined in section 5101.46 of the Revised Code, who qualify under divisions (A) and (E) of section 3310.03 of the Revised Code. If the number of students described in division (B) (2) of this section who apply for a scholarship exceeds the number of available scholarships after awards are made under division (B) (1) of this section, the department shall select students described in division (B) (2) of this section by lot to receive any remaining scholarships.~~ 51
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~~(3) Third, to other eligible students who qualify under divisions (A) and (E) of section 3310.03 of the Revised Code. If the number of students described in division (B) (3) of this section who apply for a scholarship exceeds the number of available scholarships after awards are made under divisions (B) (1) and (2) of this section, the department shall select students described in division (B) (3) of this section by lot to receive any remaining scholarships.~~ 61
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~~(4) Fourth, to eligible students with family incomes at or below two hundred per cent of the federal poverty guidelines who qualify under division (D) of section 3310.03 of the Revised Code. If the number of students described in division (B) (4) of this section who apply for a scholarship exceeds the number of available scholarships after awards are made under divisions (B) (1) to (3) of this section, the department shall select students described in division (B) (4) of this section by lot to receive~~ 69
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~~any remaining scholarships.~~ 77

~~(5) Fifth, to other eligible students who qualify under
division (D) of section 3310.03 of the Revised Code. If the
number of students described in division (B) (5) of this section
who apply for a scholarship exceeds the number of available
scholarships after awards are made under divisions (B) (1) to (4)
of this section, the department shall select students described
in division (B) (5) of this section by lot to receive any
remaining scholarships.~~ 78
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~~(6) Sixth, to eligible students with family incomes at or
below two hundred per cent of the federal poverty guidelines who
qualify under division (B) of section 3310.03 of the Revised
Code. If the number of students described in division (B) (6) of
this section who apply for a scholarship exceeds the number of
available scholarships after awards are made under divisions (B)
(1) to (5) of this section, the department shall select students
described in division (B) (6) of this section by lot to receive
any remaining scholarships.~~ 86
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~~(7) Seventh, to other eligible students who qualify under
division (B) of section 3310.03 of the Revised Code. If the
number of students described in division (B) (7) of this section
who apply for a scholarship exceeds the number of available
scholarships after awards are made under divisions (B) (1) to (6)
of this section, the department shall select students described
in division (B) (7) of this section by lot to receive any
remaining scholarships.~~ 95
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Sec. 3310.03. A student is an "eligible student" for 103
purposes of the educational choice scholarship pilot program if 104
the student's resident district is not a school district in 105
which the pilot project scholarship program is operating under 106

sections 3313.974 to 3313.979 of the Revised Code and the 107
student satisfies one of the conditions in division (A), (B), 108
(C), (D), ~~or (E)~~, or (F) of this section: 109

(A) (1) The student is enrolled in a school building 110
operated by the student's resident district that, on the report 111
card issued under section 3302.03 of the Revised Code published 112
prior to the first day of July of the school year for which a 113
scholarship is sought, did not receive a rating as described in 114
division ~~(H)~~ (J) of this section, and to which any or a 115
combination of any of the following apply for two of the three 116
most recent report cards published prior to the first day of 117
July of the school year for which a scholarship is sought: 118

(a) The building was declared to be in a state of academic 119
emergency or academic watch under section 3302.03 of the Revised 120
Code as that section existed prior to March 22, 2013. 121

(b) The building received a grade of "D" or "F" for the 122
performance index score under division (A) (1) (b) or (B) (1) (b) of 123
section 3302.03 of the Revised Code and for the value-added 124
progress dimension under division (A) (1) (e) or (B) (1) (e) of 125
section 3302.03 of the Revised Code for the 2012-2013, 2013- 126
2014, 2014-2015, or 2015-2016 school year; or if the building 127
serves only grades ten through twelve, the building received a 128
grade of "D" or "F" for the performance index score under 129
division (A) (1) (b) or (B) (1) (b) of section 3302.03 of the 130
Revised Code and had a four-year adjusted cohort graduation rate 131
of less than seventy-five per cent. 132

(c) The building received an overall grade of "D" or "F" 133
under division (C) (3) of section 3302.03 of the Revised Code or 134
a grade of "F" for the value-added progress dimension under 135
division (C) (1) (e) of section 3302.03 of the Revised Code for 136

the 2016-2017 school year or any school year thereafter.	137
(2) The student will be enrolling in any of grades	138
kindergarten through twelve in this state for the first time in	139
the school year for which a scholarship is sought, will be at	140
least five years of age by the first day of January of the	141
school year for which a scholarship is sought, and otherwise	142
would be assigned under section 3319.01 of the Revised Code in	143
the school year for which a scholarship is sought, to a school	144
building described in division (A) (1) of this section.	145
(3) The student is enrolled in a community school	146
established under Chapter 3314. of the Revised Code but	147
otherwise would be assigned under section 3319.01 of the Revised	148
Code to a building described in division (A) (1) of this section.	149
(4) The student is enrolled in a school building operated	150
by the student's resident district or in a community school	151
established under Chapter 3314. of the Revised Code and	152
otherwise would be assigned under section 3319.01 of the Revised	153
Code to a school building described in division (A) (1) of this	154
section in the school year for which the scholarship is sought.	155
(5) The student will be both enrolling in any of grades	156
kindergarten through twelve in this state for the first time and	157
at least five years of age by the first day of January of the	158
school year for which a scholarship is sought, or is enrolled in	159
a community school established under Chapter 3314. of the	160
Revised Code, and all of the following apply to the student's	161
resident district:	162
(a) The district has in force an intradistrict open	163
enrollment policy under which no student in the student's grade	164
level is automatically assigned to a particular school building;	165

(b) In the most recent rating published prior to the first day of July of the school year for which scholarship is sought, the district did not receive a rating described in division ~~(H)~~ (J) of this section, and in at least two of the three most recent report cards published prior to the first day of July of that school year, any or a combination of the following apply to the district:

(i) The district was declared to be in a state of academic emergency under section 3302.03 of the Revised Code as it existed prior to March 22, 2013.

(ii) The district received a grade of "D" or "F" for the performance index score under division (A) (1) (b) or (B) (1) (b) of section 3302.03 of the Revised Code and for the value-added progress dimension under division (A) (1) (e) or (B) (1) (e) of section 3302.03 of the Revised Code for the 2012-2013, 2013-2014, 2014-2015, or 2015-2016 school year.

(c) The district received an overall grade of "D" or "F" under division (C) (3) of section 3302.03 of the Revised Code or a grade of "F" for the value-added progress dimension under division (C) (1) (e) of section 3302.03 of the Revised Code for the 2016-2017 school year or any school year thereafter.

(6) Beginning in the 2016-2017 school year, the student is enrolled in or will be enrolling in a building in the school year for which the scholarship is sought that serves any of grades nine through twelve and that received a grade of "D" or "F" for the four-year adjusted cohort graduation rate under division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of section 3302.03 of the Revised Code in two of the three most recent report cards published prior to the first day of July of the school year for which a scholarship is sought.

(B) (1) The student is enrolled in a school building 196
operated by the student's resident district and to which both of 197
the following apply: 198

(a) The building was ranked, for at least two of the three 199
most recent rankings prior to the first day of July of the 200
school year for which a scholarship is sought, in the lowest ten 201
per cent of all buildings operated by city, local, and exempted 202
village school districts according to performance index score as 203
determined by the department of education. 204

(b) The building was not declared to be excellent or 205
effective, or the equivalent of such ratings as determined by 206
the department, under section 3302.03 of the Revised Code in the 207
most recent rating published prior to the first day of July of 208
the school year for which a scholarship is sought. 209

(2) The student will be enrolling in any of grades 210
kindergarten through twelve in this state for the first time in 211
the school year for which a scholarship is sought, will be at 212
least five years of age, as defined in section 3321.01 of the 213
Revised Code, by the first day of January of the school year for 214
which a scholarship is sought, and otherwise would be assigned 215
under section 3319.01 of the Revised Code in the school year for 216
which a scholarship is sought, to a school building described in 217
division (B) (1) of this section. 218

(3) The student is enrolled in a community school 219
established under Chapter 3314. of the Revised Code but 220
otherwise would be assigned under section 3319.01 of the Revised 221
Code to a building described in division (B) (1) of this section. 222

(4) The student is enrolled in a school building operated 223
by the student's resident district or in a community school 224

established under Chapter 3314. of the Revised Code and 225
otherwise would be assigned under section 3319.01 of the Revised 226
Code to a school building described in division (B) (1) of this 227
section in the school year for which the scholarship is sought. 228

(C) The student is enrolled in a nonpublic school at the 229
time the school is granted a charter by the state board of 230
education under section 3301.16 of the Revised Code and the 231
student meets the standards of division (B) of section 3310.031 232
of the Revised Code. 233

(D) For the 2016-2017 school year and each school year 234
thereafter, the student is in any of grades kindergarten through 235
three, is enrolled in a school building that is operated by the 236
student's resident district or will be enrolling in any of 237
grades kindergarten through twelve in this state for the first 238
time in the school year for which a scholarship is sought, and 239
to which both of the following apply: 240

(1) The building, in at least two of the three most recent 241
ratings of school buildings published prior to the first day of 242
July of the school year for which a scholarship is sought, 243
received a grade of "D" or "F" for making progress in improving 244
literacy in grades kindergarten through three under division (B) 245
(1) (g) or (C) (1) (g) of section 3302.03 of the Revised Code; 246

(2) The building did not receive a grade of "A" for making 247
progress in improving literacy in grades kindergarten through 248
three under division (B) (1) (g) or (C) (1) (g) of section 3302.03 249
of the Revised Code in the most recent rating published prior to 250
the first day of July of the school year for which a scholarship 251
is sought. 252

(E) The student's resident district is subject to section 253

3302.10 of the Revised Code and the student either:	254
(1) Is enrolled in a school building operated by the	255
resident district or in a community school established under	256
Chapter 3314. of the Revised Code;	257
(2) Will be both enrolling in any of grades kindergarten	258
through twelve in this state for the first time and at least	259
five years of age by the first day of January of the school year	260
for which a scholarship is sought.	261
(F) <u>One of the following conditions apply to the student:</u>	262
(1) <u>The student's sibling received a scholarship under the</u>	263
<u>educational choice scholarship pilot program or the expansion of</u>	264
<u>that program under section 3310.032 of the Revised Code during</u>	265
<u>the previous school year and the student resides in the same</u>	266
<u>county as the student's sibling.</u>	267
(2) <u>The student has a parent or guardian who is an armed</u>	268
<u>forces service member as defined in section 5903.01 of the</u>	269
<u>Revised Code.</u>	270
(3) <u>The student resides in a foster home under the care of</u>	271
<u>a foster caregiver as defined in section 5103.02 of the Revised</u>	272
<u>Code.</u>	273
(4) <u>The student is enrolled in the eighth grade in a</u>	274
<u>chartered nonpublic school without a state scholarship in the</u>	275
<u>school year prior to the first school year for which a</u>	276
<u>scholarship is sought but otherwise meets the eligibility</u>	277
<u>criteria prescribed by this section.</u>	278
(5) <u>The student is enrolled in any grade in a chartered</u>	279
<u>nonpublic school without a state scholarship in the school year</u>	280
<u>prior to the first school year for which a scholarship is</u>	281

sought, and had applied for a scholarship under the program in a 282
prior year, under a former version of this section, but was 283
denied a scholarship due to funding or other limits specified 284
under former law, and otherwise meets the eligibility criteria 285
prescribed by this section. 286

(G) A student who receives a scholarship under the 287
educational choice scholarship pilot program remains an eligible 288
student and may continue to receive scholarships in subsequent 289
school years until the student completes grade twelve, so long 290
as all of the following apply: 291

(1) The student's resident district remains the same, or 292
the student transfers to a new resident district and otherwise 293
would be assigned in the new resident district to a school 294
building described in division (A) (1), (B) (1), (D), or (E) of 295
this section. Division (G) (1) of this section does not apply to 296
a student who became eligible for the program under divisions 297
(F) (1) to (3) of this section. 298

(2) Except as provided in divisions (K) (1) and (L) of 299
section 3301.0711 of the Revised Code, the student takes each 300
assessment prescribed for the student's grade level under 301
section 3301.0710 or 3301.0712 of the Revised Code while 302
enrolled in a chartered nonpublic school. 303

(3) In each school year that the student is enrolled in a 304
chartered nonpublic school, the student is absent from school 305
for not more than twenty days that the school is open for 306
instruction, not including excused absences. 307

~~(G)~~ (H) (1) The department shall cease awarding first-time 308
scholarships pursuant to divisions (A) (1) to (4) of this section 309
with respect to a school building that, in the most recent 310

ratings of school buildings published under section 3302.03 of 311
the Revised Code prior to the first day of July of the school 312
year, ceases to meet the criteria in division (A) (1) of this 313
section. The department shall cease awarding first-time 314
scholarships pursuant to division (A) (5) of this section with 315
respect to a school district that, in the most recent ratings of 316
school districts published under section 3302.03 of the Revised 317
Code prior to the first day of July of the school year, ceases 318
to meet the criteria in division (A) (5) of this section. 319

(2) The department shall cease awarding first-time 320
scholarships pursuant to divisions (B) (1) to (4) of this section 321
with respect to a school building that, in the most recent 322
ratings of school buildings under section 3302.03 of the Revised 323
Code prior to the first day of July of the school year, ceases 324
to meet the criteria in division (B) (1) of this section. 325

(3) The department shall cease awarding first-time 326
scholarships pursuant to division (D) of this section with 327
respect to a school building that, in the most recent ratings of 328
school buildings under section 3302.03 of the Revised Code prior 329
to the first day of July of the school year, ceases to meet the 330
criteria in division (D) of this section. 331

(4) The department shall cease awarding first-time 332
scholarships pursuant to division (E) of this section with 333
respect to a school district subject to section 3302.10 of the 334
Revised Code when the academic distress commission established 335
for the district ceases to exist. 336

(5) However, students who have received scholarships in 337
the prior school year remain eligible students pursuant to 338
division ~~(F)~~ (G) of this section. 339

~~(H)~~(I) The state board of education shall adopt rules 340
defining excused absences for purposes of division ~~(F)~~(G) (3) of 341
this section. 342

~~(I)~~(J) (1) A student who satisfies only the conditions 343
prescribed in divisions (A) (1) to (4) of this section shall not 344
be eligible for a scholarship if the student's resident building 345
meets any of the following in the most recent rating under 346
section 3302.03 of the Revised Code published prior to the first 347
day of July of the school year for which a scholarship is 348
sought: 349

(a) The building has an overall designation of excellent 350
or effective under section 3302.03 of the Revised Code as it 351
existed prior to March 22, 2013. 352

(b) For the 2012-2013, 2013-2014, 2014-2015, or 2015-2016 353
school year, the building has a grade of "A" or "B" for the 354
performance index score under division (A) (1) (b) or (B) (1) (b) of 355
section 3302.03 of the Revised Code and for the value-added 356
progress dimension under division (A) (1) (e) or (B) (1) (e) of 357
section 3302.03 of the Revised Code; or if the building serves 358
only grades ten through twelve, the building received a grade of 359
"A" or "B" for the performance index score under division (A) (1) 360
(b) or (B) (1) (b) of section 3302.03 of the Revised Code and had 361
a four-year adjusted cohort graduation rate of greater than or 362
equal to seventy-five per cent. 363

(c) For the 2016-2017 school year or any school year 364
thereafter, the building has a grade of "A" or "B" under 365
division (C) (3) of section 3302.03 of the Revised Code and a 366
grade of "A" for the value-added progress dimension under 367
division (C) (1) (e) of section 3302.03 of the Revised Code; or if 368
the building serves only grades ten through twelve, the building 369

received a grade of "A" or "B" for the performance index score 370
under division (C) (1) (b) of section 3302.03 of the Revised Code 371
and had a four-year adjusted cohort graduation rate of greater 372
than or equal to seventy-five per cent. 373

(2) A student who satisfies only the conditions prescribed 374
in division (A) (5) of this section shall not be eligible for a 375
scholarship if the student's resident district meets any of the 376
following in the most recent rating under section 3302.03 of the 377
Revised Code published prior to the first day of July of the 378
school year for which a scholarship is sought: 379

(a) The district has an overall designation of excellent 380
or effective under section 3302.03 of the Revised Code as it 381
existed prior to March 22, 2013. 382

(b) The district has a grade of "A" or "B" for the 383
performance index score under division (A) (1) (b) or (B) (1) (b) of 384
section 3302.03 of the Revised Code and for the value-added 385
progress dimension under division (A) (1) (e) or (B) (1) (e) of 386
section 3302.03 of the Revised Code for the 2012-2013, 2013- 387
2014, 2014-2015, and 2015-2016 school years. 388

(c) The district has an overall grade of "A" or "B" under 389
division (C) (3) of section 3302.03 of the Revised Code and a 390
grade of "A" for the value-added progress dimension under 391
division (C) (1) (e) of section 3302.03 of the Revised Code for 392
the 2016-2017 school year or any school year thereafter. 393

Sec. 3310.032. (A) A student is an "eligible student" for 394
purposes of the expansion of the educational choice scholarship 395
pilot program under this section if the student's resident 396
district is not a school district in which the pilot project 397
scholarship program is operating under sections 3313.974 to 398

3313.979 of the Revised Code, the student is not eligible for an 399
educational choice scholarship under section 3310.03 of the 400
Revised Code, and the student's family income is at or below two 401
hundred per cent of the federal poverty guidelines, as defined 402
in section 5101.46 of the Revised Code. 403

~~(B) In each fiscal year for which the general assembly~~ 404
~~appropriates funds for purposes of this section, the~~ The 405
department of education shall pay ~~scholarships~~ a scholarship to 406
attend ~~a chartered nonpublic schools~~ school in accordance with 407
section 3310.08 of the Revised Code to the parent of each 408
eligible student upon application of that parent in the manner 409
prescribed by the department. However, the department shall not 410
adopt specific dates for application deadlines for scholarships 411
under the program. The number of scholarships awarded under this 412
~~section shall not exceed the number that can be funded with~~ 413
~~appropriations made by the general assembly for this purpose.~~ 414

(C) Scholarships under this section shall be awarded as 415
follows: 416

(1) For the 2013-2014 school year, to eligible students 417
who are entering kindergarten in that school year for the first 418
time; 419

(2) For each subsequent school year through the 2019-2020 420
school year, scholarships shall be awarded to eligible students 421
in the next grade level above the highest grade level awarded in 422
the preceding school year, in addition to the grade levels for 423
which students received scholarships in the preceding school 424
year; 425

(3) Beginning with the 2020-2021 school year, to eligible 426
students who are entering any of grades kindergarten through 427

twelve in that school year for the first time. 428

~~(D) If the number of eligible students who apply for a scholarship under this section exceeds the scholarships available based on the appropriation for this section, the department shall award scholarships in the following order of priority:~~ 429
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~~(1) First, to eligible students who received scholarships under this section in the prior school year;~~ 434
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~~(2) Second, to eligible students with family incomes at or below one hundred per cent of the federal poverty guidelines. If the number of students described in division (D) (2) of this section who apply for a scholarship exceeds the number of available scholarships after awards are made under division (D) (1) of this section, the department shall select students described in division (D) (2) of this section by lot to receive any remaining scholarships.~~ 436
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~~(3) Third, to other eligible students who qualify under this section. If the number of students described in division (D) (3) of this section exceeds the number of available scholarships after awards are made under divisions (D) (1) and (2) of this section, the department shall select students described in division (D) (3) of this section by lot to receive any remaining scholarships.~~ 444
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A scholarship shall be awarded to a student under this section, if either: 451

(1) The student is enrolled in the eighth grade in a chartered nonpublic school without a state scholarship in the school year prior to the first school year for which a scholarship is sought but otherwise meets the eligibility criteria prescribed by this section. 452
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(2) The student is enrolled in any grade in a chartered 457
nonpublic school without a state scholarship in the school year 458
prior to the first school year for which a scholarship is 459
sought, and had applied for a scholarship under the program in a 460
prior year, under a former version of this section, but was 461
denied a scholarship due to funding or other limits specified 462
under former law, and otherwise meets the eligibility criteria 463
prescribed by this section. 464

(E) Subject to divisions (E) (1) to (3) of this section, a 465
student who receives a scholarship under this section remains an 466
eligible student and may continue to receive scholarships under 467
this section in subsequent school years until the student 468
completes grade twelve, so long as the student satisfies the 469
conditions specified in divisions ~~(F)~~(G) (2) and (3) of section 470
3310.03 of the Revised Code. 471

Once a scholarship is awarded under this section, the 472
student shall remain eligible for that scholarship for the 473
current school year and subsequent school years even if the 474
student's family income rises above the amount specified in 475
division (A) of this section, provided the student remains 476
enrolled in a chartered nonpublic school, however: 477

(1) If the student's family income is above two hundred 478
per cent but at or below three hundred per cent of the federal 479
poverty guidelines, the student shall receive a scholarship in 480
the amount of seventy-five per cent of the full scholarship 481
amount. 482

(2) If the student's family income is above three hundred 483
per cent but at or below four hundred per cent of the federal 484
poverty guidelines, the student shall receive a scholarship in 485
the amount of fifty per cent of the full scholarship amount. 486

(3) If the student's family income is above four hundred 487
per cent of the federal poverty guidelines, the student is no 488
longer eligible to receive an educational choice scholarship. 489

Sec. 3310.08. (A) The amount paid for an eligible student 490
under the educational choice scholarship pilot program and the 491
expansion of the program under section 3310.032 of the Revised 492
Code shall be the lesser of the tuition of the chartered 493
nonpublic school in which the student is enrolled, prior to the 494
application of any other sources of financial aid received by 495
the student, or the maximum amount prescribed in section 3310.09 496
of the Revised Code. 497

(B) (1) The department of education shall pay to the parent 498
of each eligible student for whom a scholarship is awarded under 499
the program, or to the student if at least eighteen years of 500
age, periodic partial payments of the scholarship. 501

(2) The department shall proportionately reduce or 502
terminate the payments for any student who withdraws from a 503
chartered nonpublic school prior to the end of the school year 504
or who enrolls in a chartered nonpublic school after the 505
beginning of the school year. 506

~~(C) (1) The department shall deduct from the payments made~~ 507
~~to each school district under Chapter 3317., and if necessary,~~ 508
~~sections 321.24 and 323.156 of the Revised Code, the amount paid~~ 509
~~under division (B) of this section for each eligible student who~~ 510
~~qualifies for a scholarship under section 3310.03 of the Revised~~ 511
~~Code and who is entitled under section 3313.64 or 3313.65 of the~~ 512
~~Revised Code to attend school in the district. In the case of a~~ 513
~~student entitled to attend school in a school district under~~ 514
~~division (B) (2) (a) of section 3313.64 or division (C) of section~~ 515
~~3313.65 of the Revised Code, the department shall deduct the~~ 516

~~payments from the school district in whose formula ADM the~~ 517
~~student is included, as that term is defined in section 3317.02~~ 518
~~of the Revised Code.~~ 519

~~(2) If the department reduces or terminates payments to a~~ 520
~~parent or a student, as prescribed in division (B) (2) of this~~ 521
~~section, and the student enrolls in the schools of the student's~~ 522
~~resident district or in a community school, established under~~ 523
~~Chapter 3314. of the Revised Code, before the end of the school~~ 524
~~year, the department shall proportionally restore to the~~ 525
~~resident district the amount deducted for that student under~~ 526
~~division (C) (1) of this section~~ Scholarships paid under this 527
section shall be financed through the foundation funding 528
appropriation of each biennial operating act. 529

Sec. 3310.09. The maximum amount awarded to an eligible 530
student under the educational choice scholarship pilot program 531
shall be as follows: 532

(A) For grades kindergarten through eight, ~~four~~ six 533
thousand ~~six hundred fifty~~ dollars; 534

(B) For grades nine through twelve, ~~as follows:~~ 535

~~(1) For the 2015-2016 school year, five thousand nine~~ 536
~~hundred dollars;~~ 537

~~(2) For the 2016-2017 school year and each school year~~ 538
~~thereafter, six~~ seven thousand five hundred dollars. 539

Sec. 3313.978. (A) Annually by the first day of November, 540
the superintendent of public instruction shall notify the pilot 541
project school district of the number of initial scholarships 542
that the state superintendent will be awarding in each of grades 543
kindergarten through twelve. 544

The state superintendent shall provide information about 545
the scholarship program to all students residing in the 546
district, shall accept applications from any such students until 547
such date as shall be established by the state superintendent as 548
a deadline for applications, and shall establish criteria for 549
the selection of students to receive scholarships from among all 550
those applying prior to the deadline, which criteria shall give 551
preference to students from low-income families. The state 552
superintendent shall notify students of their selection prior to 553
the fifteenth day of January. 554

(1) A student receiving a pilot project scholarship may 555
utilize it at an alternative public school by notifying the 556
district superintendent, at any time before the beginning of the 557
school year, of the name of the public school in an adjacent 558
school district to which the student has been accepted pursuant 559
to section 3327.06 of the Revised Code. 560

(2) A student may decide to utilize a pilot project 561
scholarship at a registered private school in the district if 562
all of the following conditions are met: 563

(a) By the fifteenth day of February of the preceding 564
school year, or at any time prior to the start of the school 565
year, the parent makes an application on behalf of the student 566
to a registered private school. 567

(b) The registered private school notifies the parent and 568
the state superintendent as follows that the student has been 569
admitted: 570

(i) By the fifteenth day of March of the preceding school 571
year if the student filed an application by the fifteenth day of 572
February and was admitted by the school pursuant to division (A) 573

of section 3313.977 of the Revised Code; 574

(ii) Within one week of the decision to admit the student 575
if the student is admitted pursuant to division (C) of section 576
3313.977 of the Revised Code. 577

(c) The student actually enrolls in the registered private 578
school to which the student was first admitted or in another 579
registered private school in the district or in a public school 580
in an adjacent school district. 581

(B) The state superintendent shall also award in any 582
school year tutorial assistance grants to a number of students 583
equal to the number of students who receive scholarships under 584
division (A) of this section. Tutorial assistance grants shall 585
be awarded solely to students who are enrolled in the public 586
schools of the district in a grade level covered by the pilot 587
project. Tutorial assistance grants may be used solely to obtain 588
tutorial assistance from a provider approved pursuant to 589
division (D) of section 3313.976 of the Revised Code. 590

All students wishing to obtain tutorial assistance grants 591
shall make application to the state superintendent by the first 592
day of the school year in which the assistance will be used. The 593
state superintendent shall award assistance grants in accordance 594
with criteria the superintendent shall establish. 595

(C) (1) In the case of basic scholarships for students in 596
grades kindergarten through eight, the scholarship amount shall 597
not exceed the lesser of the net tuition charges of the 598
alternative school the scholarship recipient attends or four-six 599
thousand ~~six hundred fifty~~ dollars. 600

In the case of basic scholarships for students in grades 601
nine through twelve, the scholarship amount shall not exceed the 602

lesser of the net tuition charges of the alternative school the 603
scholarship recipient attends or ~~six-seven~~ thousand five hundred 604
dollars. 605

The net tuition and fees charged to a student shall be the 606
tuition amount specified by the alternative school minus all 607
other financial aid, discounts, and adjustments received for the 608
student. In cases where discounts are offered for multiple 609
students from the same family, and not all students in the same 610
family are scholarship recipients, the net tuition amount 611
attributable to the scholarship recipient shall be the lowest 612
net tuition to which the family is entitled. 613

(2) The state superintendent shall provide for an increase 614
in the basic scholarship amount in the case of any student who 615
is a mainstreamed student with a disability and shall further 616
increase such amount in the case of any separately educated 617
student with a disability. Such increases shall take into 618
account the instruction, related services, and transportation 619
costs of educating such students. 620

(3) In the case of tutorial assistance grants, the grant 621
amount shall not exceed the lesser of the provider's actual 622
charges for such assistance or: 623

(a) Before fiscal year 2007, a percentage established by 624
the state superintendent, not to exceed twenty per cent, of the 625
amount of the pilot project school district's average basic 626
scholarship amount; 627

(b) In fiscal year 2007 and thereafter, four hundred 628
dollars. 629

(D) (1) Annually by the first day of November, the state 630
superintendent shall estimate the maximum per-pupil scholarship 631

amounts for the ensuing school year. The state superintendent 632
shall make this estimate available to the general public at the 633
offices of the district board of education together with the 634
forms required by division (D) (2) of this section. 635

(2) Annually by the fifteenth day of January, the chief 636
administrator of each registered private school located in the 637
pilot project district and the principal of each public school 638
in such district shall complete a parental information form and 639
forward it to the president of the board of education. The 640
parental information form shall be prescribed by the department 641
of education and shall provide information about the grade 642
levels offered, the numbers of students, tuition amounts, 643
achievement test results, and any sectarian or other 644
organizational affiliations. 645

(E) (1) Only for the purpose of administering the pilot 646
project scholarship program, the department may request from any 647
of the following entities the data verification code assigned 648
under division (D) (2) of section 3301.0714 of the Revised Code 649
to any student who is seeking a scholarship under the program: 650

(a) The school district in which the student is entitled 651
to attend school under section 3313.64 or 3313.65 of the Revised 652
Code; 653

(b) If applicable, the community school in which the 654
student is enrolled; 655

(c) The independent contractor engaged to create and 656
maintain data verification codes. 657

(2) Upon a request by the department under division (E) (1) 658
of this section for the data verification code of a student 659
seeking a scholarship or a request by the student's parent for 660

that code, the school district or community school shall submit 661
that code to the department or parent in the manner specified by 662
the department. If the student has not been assigned a code, 663
because the student will be entering kindergarten during the 664
school year for which the scholarship is sought, the district 665
shall assign a code to that student and submit the code to the 666
department or parent by a date specified by the department. If 667
the district does not assign a code to the student by the 668
specified date, the department shall assign a code to the 669
student. 670

The department annually shall submit to each school 671
district the name and data verification code of each student 672
residing in the district who is entering kindergarten, who has 673
been awarded a scholarship under the program, and for whom the 674
department has assigned a code under this division. 675

(3) The department shall not release any data verification 676
code that it receives under division (E) of this section to any 677
person except as provided by law. 678

(F) Any document relative to the pilot project scholarship 679
program that the department holds in its files that contains 680
both a student's name or other personally identifiable 681
information and the student's data verification code shall not 682
be a public record under section 149.43 of the Revised Code. 683

(G) (1) The department annually shall compile the scores 684
attained by scholarship students enrolled in registered private 685
schools on the assessments administered to the students pursuant 686
to division (A) (11) of section 3313.976 of the Revised Code. The 687
scores shall be aggregated as follows: 688

(a) By school district, which shall include all 689

scholarship students residing in the pilot project school 690
district who are enrolled in a registered private school and 691
were required to take an assessment pursuant to division (A) (11) 692
of section 3313.976 of the Revised Code; 693

(b) By registered private school, which shall include all 694
scholarship students enrolled in that school who were required 695
to take an assessment pursuant to division (A) (11) of section 696
3313.976 of the Revised Code. 697

(2) The department shall disaggregate the student 698
performance data described in division (G) (1) of this section 699
according to the following categories: 700

(a) Grade level; 701

(b) Race and ethnicity; 702

(c) Gender; 703

(d) Students who have participated in the scholarship 704
program for three or more years; 705

(e) Students who have participated in the scholarship 706
program for more than one year and less than three years; 707

(f) Students who have participated in the scholarship 708
program for one year or less; 709

(g) Economically disadvantaged students. 710

(3) The department shall post the student performance data 711
required under divisions (G) (1) and (2) of this section on its 712
web site and shall include that data in the information about 713
the scholarship program provided to students under division (A) 714
of this section. In reporting student performance data under 715
this division, the department shall not include any data that is 716

statistically unreliable or that could result in the 717
identification of individual students. For this purpose, the 718
department shall not report performance data for any group that 719
contains less than ten students. 720

(4) The department shall provide the parent of each 721
scholarship student enrolled in a registered private school with 722
information comparing the student's performance on the 723
assessments administered pursuant to division (A) (11) of section 724
3313.976 of the Revised Code with the average performance of 725
similar students enrolled in the building operated by the pilot 726
project school district that the scholarship student would 727
otherwise attend. In calculating the performance of similar 728
students, the department shall consider age, grade, race and 729
ethnicity, gender, and socioeconomic status. 730

Sec. 3317.02. As used in this chapter: 731

(A) (1) "Category one career-technical education ADM" means 732
the enrollment of students during the school year on a full-time 733
equivalency basis in career-technical education programs 734
described in division (A) of section 3317.014 of the Revised 735
Code and certified under division (B) (11) or (D) (2) (h) of 736
section 3317.03 of the Revised Code. 737

(2) "Category two career-technical education ADM" means 738
the enrollment of students during the school year on a full-time 739
equivalency basis in career-technical education programs 740
described in division (B) of section 3317.014 of the Revised 741
Code and certified under division (B) (12) or (D) (2) (i) of 742
section 3317.03 of the Revised Code. 743

(3) "Category three career-technical education ADM" means 744
the enrollment of students during the school year on a full-time 745

equivalency basis in career-technical education programs 746
described in division (C) of section 3317.014 of the Revised 747
Code and certified under division (B) (13) or (D) (2) (j) of 748
section 3317.03 of the Revised Code. 749

(4) "Category four career-technical education ADM" means 750
the enrollment of students during the school year on a full-time 751
equivalency basis in career-technical education programs 752
described in division (D) of section 3317.014 of the Revised 753
Code and certified under division (B) (14) or (D) (2) (k) of 754
section 3317.03 of the Revised Code. 755

(5) "Category five career-technical education ADM" means 756
the enrollment of students during the school year on a full-time 757
equivalency basis in career-technical education programs 758
described in division (E) of section 3317.014 of the Revised 759
Code and certified under division (B) (15) or (D) (2) (l) of 760
section 3317.03 of the Revised Code. 761

(B) (1) "Category one limited English proficient ADM" means 762
the full-time equivalent number of limited English proficient 763
students described in division (A) of section 3317.016 of the 764
Revised Code and certified under division (B) (16) or (D) (2) (m) 765
of section 3317.03 of the Revised Code. 766

(2) "Category two limited English proficient ADM" means 767
the full-time equivalent number of limited English proficient 768
students described in division (B) of section 3317.016 of the 769
Revised Code and certified under division (B) (17) or (D) (2) (n) 770
of section 3317.03 of the Revised Code. 771

(3) "Category three limited English proficient ADM" means 772
the full-time equivalent number of limited English proficient 773
students described in division (C) of section 3317.016 of the 774

Revised Code and certified under division (B) (18) or (D) (2) (o)	775
of section 3317.03 of the Revised Code.	776
(C) (1) "Category one special education ADM" means the	777
full-time equivalent number of children with disabilities	778
receiving special education services for the disability	779
specified in division (A) of section 3317.013 of the Revised	780
Code and certified under division (B) (5) or (D) (2) (b) of section	781
3317.03 of the Revised Code.	782
(2) "Category two special education ADM" means the full-	783
time equivalent number of children with disabilities receiving	784
special education services for those disabilities specified in	785
division (B) of section 3317.013 of the Revised Code and	786
certified under division (B) (6) or (D) (2) (c) of section 3317.03	787
of the Revised Code.	788
(3) "Category three special education ADM" means the full-	789
time equivalent number of students receiving special education	790
services for those disabilities specified in division (C) of	791
section 3317.013 of the Revised Code, and certified under	792
division (B) (7) or (D) (2) (d) of section 3317.03 of the Revised	793
Code.	794
(4) "Category four special education ADM" means the full-	795
time equivalent number of students receiving special education	796
services for those disabilities specified in division (D) of	797
section 3317.013 of the Revised Code and certified under	798
division (B) (8) or (D) (2) (e) of section 3317.03 of the Revised	799
Code.	800
(5) "Category five special education ADM" means the full-	801
time equivalent number of students receiving special education	802
services for the disabilities specified in division (E) of	803

section 3317.013 of the Revised Code and certified under 804
division (B) (9) or (D) (2) (f) of section 3317.03 of the Revised 805
Code. 806

(6) "Category six special education ADM" means the full- 807
time equivalent number of students receiving special education 808
services for the disabilities specified in division (F) of 809
section 3317.013 of the Revised Code and certified under 810
division (B) (10) or (D) (2) (g) of section 3317.03 of the Revised 811
Code. 812

(D) "Economically disadvantaged index for a school 813
district" means the square of the quotient of that district's 814
percentage of students in its total ADM who are identified as 815
economically disadvantaged as defined by the department of 816
education, divided by the percentage of students in the 817
statewide total ADM identified as economically disadvantaged. 818
For purposes of this calculation: 819

(1) For a city, local, or exempted village school 820
district, the "statewide total ADM" equals the sum of the total 821
ADM for all city, local, and exempted village school districts 822
combined. 823

(2) For a joint vocational school district, the "statewide 824
total ADM" equals the sum of the formula ADM for all joint 825
vocational school districts combined. 826

(E) (1) "Formula ADM" means, for a city, local, or exempted 827
village school district, the enrollment reported under division 828
(A) of section 3317.03 of the Revised Code minus the enrollment 829
of students who receive a scholarship under section 3310.03 or 830
3310.032 of the Revised Code to attend a chartered nonpublic 831
school, as verified by the superintendent of public instruction 832

and adjusted if so ordered under division (K) of that section, 833
and as further adjusted by the department of education, as 834
follows: 835

(a) Count only twenty per cent of the number of joint 836
vocational school district students counted under division (A) 837
(3) of section 3317.03 of the Revised Code; 838

(b) Add twenty per cent of the number of students who are 839
entitled to attend school in the district under section 3313.64 840
or 3313.65 of the Revised Code and are enrolled in another 841
school district under a career-technical education compact. 842

(2) "Formula ADM" means, for a joint vocational school 843
district, the final number verified by the superintendent of 844
public instruction, based on the enrollment reported and 845
certified under division (D) of section 3317.03 of the Revised 846
Code, as adjusted, if so ordered, under division (K) of that 847
section. 848

(F) "Formula amount" means \$6,010, for fiscal year 2018, 849
and \$6,020, for fiscal year 2019. 850

(G) "FTE basis" means a count of students based on full- 851
time equivalency, in accordance with rules adopted by the 852
department of education pursuant to section 3317.03 of the 853
Revised Code. In adopting its rules under this division, the 854
department shall provide for counting any student in category 855
one, two, three, four, five, or six special education ADM or in 856
category one, two, three, four, or five career-technical 857
education ADM in the same proportion the student is counted in 858
formula ADM. 859

(H) "Internet- or computer-based community school" has the 860
same meaning as in section 3314.02 of the Revised Code. 861

(I) "Medically fragile child" means a child to whom all of 862
the following apply: 863

(1) The child requires the services of a doctor of 864
medicine or osteopathic medicine at least once a week due to the 865
instability of the child's medical condition. 866

(2) The child requires the services of a registered nurse 867
on a daily basis. 868

(3) The child is at risk of institutionalization in a 869
hospital, skilled nursing facility, or intermediate care 870
facility for individuals with intellectual disabilities. 871

(J) (1) A child may be identified as having an "other 872
health impairment-major" if the child's condition meets the 873
definition of "other health impaired" established in rules 874
previously adopted by the state board of education and if either 875
of the following apply: 876

(a) The child is identified as having a medical condition 877
that is among those listed by the superintendent of public 878
instruction as conditions where a substantial majority of cases 879
fall within the definition of "medically fragile child." 880

(b) The child is determined by the superintendent of 881
public instruction to be a medically fragile child. A school 882
district superintendent may petition the superintendent of 883
public instruction for a determination that a child is a 884
medically fragile child. 885

(2) A child may be identified as having an "other health 886
impairment-minor" if the child's condition meets the definition 887
of "other health impaired" established in rules previously 888
adopted by the state board of education but the child's 889
condition does not meet either of the conditions specified in 890

division (J) (1) (a) or (b) of this section. 891

(K) "Preschool child with a disability" means a child with 892
a disability, as defined in section 3323.01 of the Revised Code, 893
who is at least age three but is not of compulsory school age, 894
as defined in section 3321.01 of the Revised Code, and who is 895
not currently enrolled in kindergarten. 896

(L) "Preschool scholarship ADM" means the number of 897
preschool children with disabilities certified under division 898
(B) (3) (h) of section 3317.03 of the Revised Code. 899

(M) "Related services" includes: 900

(1) Child study, special education supervisors and 901
coordinators, speech and hearing services, adaptive physical 902
development services, occupational or physical therapy, teacher 903
assistants for children with disabilities whose disabilities are 904
described in division (B) of section 3317.013 or division (B) (3) 905
of this section, behavioral intervention, interpreter services, 906
work study, nursing services, and specialized integrative 907
services as those terms are defined by the department; 908

(2) Speech and language services provided to any student 909
with a disability, including any student whose primary or only 910
disability is a speech and language disability; 911

(3) Any related service not specifically covered by other 912
state funds but specified in federal law, including but not 913
limited to, audiology and school psychological services; 914

(4) Any service included in units funded under former 915
division (O) (1) of section 3317.024 of the Revised Code; 916

(5) Any other related service needed by children with 917
disabilities in accordance with their individualized education 918

programs.	919
(N) "School district," unless otherwise specified, means city, local, and exempted village school districts.	920 921
(O) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.	922 923
(P) "State share index" means the state share index calculated for a district under section 3317.017 of the Revised Code.	924 925 926
(Q) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property.	927 928 929 930
(R) (1) For purposes of section 3317.017 of the Revised Code, "three-year average valuation" means the average of total taxable value for tax years 2014, 2015, and 2016.	931 932 933
(2) For purposes of sections 3317.0217, 3317.0218, and 3317.16 of the Revised Code, "three-year average valuation" means the following:	934 935 936
(a) For fiscal year 2018, the average of total taxable value for tax years 2014, 2015, and 2016;	937 938
(b) For fiscal year 2019, the average of total taxable value for tax years 2015, 2016, and 2017.	939 940
(S) "Total ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section.	941 942 943 944 945

(T) "Total special education ADM" means the sum of 946
categories one through six special education ADM. 947

(U) "Total taxable value" means the sum of the amounts 948
certified for a city, local, exempted village, or joint 949
vocational school district under divisions (A)(1) and (2) of 950
section 3317.021 of the Revised Code. 951

Sec. 3317.03. (A) The superintendent of each city, local, 952
and exempted village school district shall report to the state 953
board of education as of the last day of October, March, and 954
June of each year the enrollment of students receiving services 955
from schools under the superintendent's supervision, and the 956
numbers of other students entitled to attend school in the 957
district under section 3313.64 or 3313.65 of the Revised Code 958
the superintendent is required to report under this section, so 959
that the department of education can calculate the district's 960
formula ADM, total ADM, category one through five career- 961
technical education ADM, category one through three limited 962
English proficient ADM, category one through six special 963
education ADM, preschool scholarship ADM, transportation ADM, 964
and, for purposes of provisions of law outside of Chapter 3317. 965
of the Revised Code, average daily membership. 966

(1) The enrollment reported by the superintendent during 967
the reporting period shall consist of the number of students in 968
grades kindergarten through twelve receiving any educational 969
services from the district, except that the following categories 970
of students shall not be included in the determination: 971

(a) Students enrolled in adult education classes; 972

(b) Adjacent or other district students enrolled in the 973
district under an open enrollment policy pursuant to section 974

3313.98 of the Revised Code;	975
(c) Students receiving services in the district pursuant	976
to a compact, cooperative education agreement, or a contract,	977
but who are entitled to attend school in another district	978
pursuant to section 3313.64 or 3313.65 of the Revised Code;	979
(d) Students for whom tuition is payable pursuant to	980
sections 3317.081 and 3323.141 of the Revised Code;	981
(e) Students receiving services in the district through a	982
scholarship awarded under either section 3310.41 or sections	983
3310.51 to 3310.64 of the Revised Code.	984
When reporting students under division (A) (1) of this	985
section, the superintendent also shall report the district where	986
each student is entitled to attend school pursuant to sections	987
3313.64 and 3313.65 of the Revised Code.	988
(2) The department of education shall compile a list of	989
all students reported to be enrolled in a district under	990
division (A) (1) of this section and of the students entitled to	991
attend school in the district pursuant to section 3313.64 or	992
3313.65 of the Revised Code on an FTE basis but receiving	993
educational services in grades kindergarten through twelve from	994
one or more of the following entities:	995
(a) A community school pursuant to Chapter 3314. of the	996
Revised Code, including any participation in a college pursuant	997
to Chapter 3365. of the Revised Code while enrolled in such	998
community school;	999
(b) An alternative school pursuant to sections 3313.974 to	1000
3313.979 of the Revised Code as described in division (I) (2) (a)	1001
or (b) of this section;	1002

(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; 1003
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(d) An adjacent or other school district under an open enrollment policy adopted pursuant to section 3313.98 of the Revised Code; 1010
1011
1012

(e) An educational service center or cooperative education district; 1013
1014

(f) Another school district under a cooperative education agreement, compact, or contract; 1015
1016

(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; 1017
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1020

(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. 1021
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As used in this section, "alternative public provider" and "registered private provider" have the same meanings as in section 3310.41 or 3310.51 of the Revised Code, as applicable. 1024
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(i) A science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school; 1027
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(j) A college-preparatory boarding school established 1031
under Chapter 3328. of the Revised Code, including any 1032
participation in a college pursuant to Chapter 3365. of the 1033
Revised Code while enrolled in the school. 1034

(3) The department also shall compile a list of the 1035
students entitled to attend school in the district under section 1036
3313.64 or 3313.65 of the Revised Code who are enrolled in a 1037
joint vocational school district or under a career-technical 1038
education compact, excluding any students so entitled to attend 1039
school in the district who are enrolled in another school 1040
district through an open enrollment policy as reported under 1041
division (A) (2) (d) of this section and then enroll in a joint 1042
vocational school district or under a career-technical education 1043
compact. 1044

The department shall provide each city, local, and 1045
exempted village school district with an opportunity to review 1046
the list of students compiled under divisions (A) (2) and (3) of 1047
this section to ensure that the students reported accurately 1048
reflect the enrollment of students in the district. 1049

(B) To enable the department of education to obtain the 1050
data needed to complete the calculation of payments pursuant to 1051
this chapter, each superintendent shall certify from the reports 1052
provided by the department under division (A) of this section 1053
all of the following: 1054

(1) The total student enrollment in regular learning day 1055
classes included in the report under division (A) (1) or (2) of 1056
this section for each of the individual grades kindergarten 1057
through twelve in schools under the superintendent's 1058
supervision; 1059

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

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

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

(b) Enrolled in a college under 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. of the Revised Code, 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;

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

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

(e) Enrolled in an internet- or computer-based community school, as defined in section 3314.02 of the Revised Code,

including any participation in a college pursuant to Chapter	1089
3365. of the Revised Code while enrolled in the school;	1090
(f) Enrolled in a chartered nonpublic school with a	1091
scholarship paid under section 3310.08 of the Revised Code and	1092
who qualified for the scholarship under section 3310.03 of the	1093
Revised Code;	1094
(g) Enrolled in kindergarten through grade twelve in an	1095
alternative public provider or a registered private provider	1096
with a scholarship awarded under section 3310.41 of the Revised	1097
Code;	1098
(h) Enrolled as a preschool child with a disability in an	1099
alternative public provider or a registered private provider	1100
with a scholarship awarded under section 3310.41 of the Revised	1101
Code;	1102
(i) Participating in a program operated by a county board	1103
of developmental disabilities or a state institution;	1104
(j) Enrolled in a science, technology, engineering, and	1105
mathematics school established under Chapter 3326. of the	1106
Revised Code, including any participation in a college pursuant	1107
to Chapter 3365. of the Revised Code while enrolled in the	1108
school;	1109
(k) Enrolled in a college-preparatory boarding school	1110
established under Chapter 3328. of the Revised Code, including	1111
any participation in a college pursuant to Chapter 3365. of the	1112
Revised Code while enrolled in the school;	1113
(l) Enrolled in an alternative public provider or a	1114
registered private provider with a scholarship awarded under	1115
sections 3310.51 to 3310.64 of the Revised Code.	1116

(4) The total enrollment of pupils in joint vocational schools;	1117 1118
(5) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	1119 1120 1121 1122 1123 1124 1125 1126
(6) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category two disabilities described in division (B) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	1127 1128 1129 1130 1131 1132 1133 1134
(7) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	1135 1136 1137 1138 1139 1140 1141 1142
(8) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised	1143 1144 1145 1146

Code, including children attending a special education program 1147
operated by an alternative public provider or a registered 1148
private provider with a scholarship awarded under sections 1149
3310.51 to 3310.64 of the Revised Code; 1150

(9) The combined enrollment of children with disabilities 1151
reported under division (A) (1) or (2) of this section receiving 1152
special education services for the category five disabilities 1153
described in division (E) of section 3317.013 of the Revised 1154
Code, including children attending a special education program 1155
operated by an alternative public provider or a registered 1156
private provider with a scholarship awarded under sections 1157
3310.51 to 3310.64 of the Revised Code; 1158

(10) The combined enrollment of children with disabilities 1159
reported under division (A) (1) or (2) and under division (B) (3) 1160
(h) of this section receiving special education services for 1161
category six disabilities described in division (F) of section 1162
3317.013 of the Revised Code, including children attending a 1163
special education program operated by an alternative public 1164
provider or a registered private provider with a scholarship 1165
awarded under either section 3310.41 or sections 3310.51 to 1166
3310.64 of the Revised Code; 1167

(11) The enrollment of pupils reported under division (A) 1168
(1) or (2) of this section on a full-time equivalency basis in 1169
category one career-technical education programs or classes, 1170
described in division (A) of section 3317.014 of the Revised 1171
Code, operated by the school district or by another district 1172
that is a member of the district's career-technical planning 1173
district, other than a joint vocational school district, or by 1174
an educational service center, notwithstanding division (G) of 1175
section 3317.02 of the Revised Code and division (C) (3) of this 1176

section; 1177

(12) The enrollment of pupils reported under division (A) 1178
(1) or (2) of this section on a full-time equivalency basis in 1179
category two career-technical education programs or services, 1180
described in division (B) of section 3317.014 of the Revised 1181
Code, operated by the school district or another school district 1182
that is a member of the district's career-technical planning 1183
district, other than a joint vocational school district, or by 1184
an educational service center, notwithstanding division (G) of 1185
section 3317.02 of the Revised Code and division (C) (3) of this 1186
section; 1187

(13) The enrollment of pupils reported under division (A) 1188
(1) or (2) of this section on a full-time equivalency basis in 1189
category three career-technical education programs or services, 1190
described in division (C) of section 3317.014 of the Revised 1191
Code, operated by the school district or another school district 1192
that is a member of the district's career-technical planning 1193
district, other than a joint vocational school district, or by 1194
an educational service center, notwithstanding division (G) of 1195
section 3317.02 of the Revised Code and division (C) (3) of this 1196
section; 1197

(14) The enrollment of pupils reported under division (A) 1198
(1) or (2) of this section on a full-time equivalency basis in 1199
category four career-technical education programs or services, 1200
described in division (D) of section 3317.014 of the Revised 1201
Code, operated by the school district or another school district 1202
that is a member of the district's career-technical planning 1203
district, other than a joint vocational school district, or by 1204
an educational service center, notwithstanding division (G) of 1205
section 3317.02 of the Revised Code and division (C) (3) of this 1206

section;	1207
(15) The enrollment of pupils reported under division (A)	1208
(1) or (2) of this section on a full-time equivalency basis in	1209
category five career-technical education programs or services,	1210
described in division (E) of section 3317.014 of the Revised	1211
Code, operated by the school district or another school district	1212
that is a member of the district's career-technical planning	1213
district, other than a joint vocational school district, or by	1214
an educational service center, notwithstanding division (G) of	1215
section 3317.02 of the Revised Code and division (C) (3) of this	1216
section;	1217
(16) The enrollment of pupils reported under division (A)	1218
(1) or (2) of this section who are limited English proficient	1219
students described in division (A) of section 3317.016 of the	1220
Revised Code, excluding any student reported under division (B)	1221
(3) (e) of this section as enrolled in an internet- or computer-	1222
based community school;	1223
(17) The enrollment of pupils reported under division (A)	1224
(1) or (2) of this section who are limited English proficient	1225
students described in division (B) of section 3317.016 of the	1226
Revised Code, excluding any student reported under division (B)	1227
(3) (e) of this section as enrolled in an internet- or computer-	1228
based community school;	1229
(18) The enrollment of pupils reported under division (A)	1230
(1) or (2) of this section who are limited English proficient	1231
students described in division (C) of section 3317.016 of the	1232
Revised Code, excluding any student reported under division (B)	1233
(3) (e) of this section as enrolled in an internet- or computer-	1234
based community school;	1235

(19) The average number of children transported during the 1236
reporting period by the school district on board-owned or 1237
contractor-owned and -operated buses, reported in accordance 1238
with rules adopted by the department of education; 1239

(20) (a) The number of children, other than preschool 1240
children with disabilities, the district placed with a county 1241
board of developmental disabilities in fiscal year 1998. 1242
Division (B) (20) (a) of this section does not apply after fiscal 1243
year 2013. 1244

(b) The number of children with disabilities, other than 1245
preschool children with disabilities, placed with a county board 1246
of developmental disabilities in the current fiscal year to 1247
receive special education services for the category one 1248
disability described in division (A) of section 3317.013 of the 1249
Revised Code; 1250

(c) The number of children with disabilities, other than 1251
preschool children with disabilities, placed with a county board 1252
of developmental disabilities in the current fiscal year to 1253
receive special education services for category two disabilities 1254
described in division (B) of section 3317.013 of the Revised 1255
Code; 1256

(d) The number of children with disabilities, other than 1257
preschool children with disabilities, placed with a county board 1258
of developmental disabilities in the current fiscal year to 1259
receive special education services for category three 1260
disabilities described in division (C) of section 3317.013 of 1261
the Revised Code; 1262

(e) The number of children with disabilities, other than 1263
preschool children with disabilities, placed with a county board 1264

of developmental disabilities in the current fiscal year to 1265
receive special education services for category four 1266
disabilities described in division (D) of section 3317.013 of 1267
the Revised Code; 1268

(f) The number of children with disabilities, other than 1269
preschool children with disabilities, placed with a county board 1270
of developmental disabilities in the current fiscal year to 1271
receive special education services for the category five 1272
disabilities described in division (E) of section 3317.013 of 1273
the Revised Code; 1274

(g) The number of children with disabilities, other than 1275
preschool children with disabilities, placed with a county board 1276
of developmental disabilities in the current fiscal year to 1277
receive special education services for category six disabilities 1278
described in division (F) of section 3317.013 of the Revised 1279
Code. 1280

(21) The enrollment of students who are economically 1281
disadvantaged, as defined by the department, excluding any 1282
student reported under division (B)(3)(e) of this section as 1283
enrolled in an internet- or computer-based community school. A 1284
student shall not be categorically excluded from the number 1285
reported under division (B)(21) of this section based on 1286
anything other than family income. 1287

(C)(1) The state board of education shall adopt rules 1288
necessary for implementing divisions (A), (B), and (D) of this 1289
section. 1290

(2) A student enrolled in a community school established 1291
under Chapter 3314., a science, technology, engineering, and 1292
mathematics school established under Chapter 3326., or a 1293

college-preparatory boarding school established under Chapter 1294
3328. of the Revised Code shall be counted in the formula ADM 1295
and, if applicable, the category one, two, three, four, five, or 1296
six special education ADM of the school district in which the 1297
student is entitled to attend school under section 3313.64 or 1298
3313.65 of the Revised Code for the same proportion of the 1299
school year that the student is counted in the enrollment of the 1300
community school, the science, technology, engineering, and 1301
mathematics school, or the college-preparatory boarding school 1302
for purposes of section 3314.08, 3326.33, or 3328.24 of the 1303
Revised Code. Notwithstanding the enrollment of students 1304
certified pursuant to division (B) (3) (d), (e), (j), or (k) of 1305
this section, the department may adjust the formula ADM of a 1306
school district to account for students entitled to attend 1307
school in the district under section 3313.64 or 3313.65 of the 1308
Revised Code who are enrolled in a community school, a science, 1309
technology, engineering, and mathematics school, or a college- 1310
preparatory boarding school for only a portion of the school 1311
year. 1312

(3) No child shall be counted as more than a total of one 1313
child in the sum of the enrollment of students of a school 1314
district under division (A), divisions (B) (1) to (22), or 1315
division (D) of this section, except as follows: 1316

(a) A child with a disability described in section 1317
3317.013 of the Revised Code may be counted both in formula ADM 1318
and in category one, two, three, four, five, or six special 1319
education ADM and, if applicable, in category one, two, three, 1320
four, or five career-technical education ADM. As provided in 1321
division (G) of section 3317.02 of the Revised Code, such a 1322
child shall be counted in category one, two, three, four, five, 1323
or six special education ADM in the same proportion that the 1324

child is counted in formula ADM. 1325

(b) A child enrolled in career-technical education 1326
programs or classes described in section 3317.014 of the Revised 1327
Code may be counted both in formula ADM and category one, two, 1328
three, four, or five career-technical education ADM and, if 1329
applicable, in category one, two, three, four, five, or six 1330
special education ADM. Such a child shall be counted in category 1331
one, two, three, four, or five career-technical education ADM in 1332
the same proportion as the percentage of time that the child 1333
spends in the career-technical education programs or classes. 1334

(4) Based on the information reported under this section, 1335
the department of education shall determine the total student 1336
count, as defined in section 3301.011 of the Revised Code, for 1337
each school district. 1338

(D) (1) The superintendent of each joint vocational school 1339
district shall report and certify to the superintendent of 1340
public instruction as of the last day of October, March, and 1341
June of each year the enrollment of students receiving services 1342
from schools under the superintendent's supervision so that the 1343
department can calculate the district's formula ADM, total ADM, 1344
category one through five career-technical education ADM, 1345
category one through three limited English proficient ADM, 1346
category one through six special education ADM, and for purposes 1347
of provisions of law outside of Chapter 3317. of the Revised 1348
Code, average daily membership. 1349

The enrollment reported and certified by the 1350
superintendent, except as otherwise provided in this division, 1351
shall consist of the ~~the~~ number of students in grades six 1352
through twelve receiving any educational services from the 1353
district, except that the following categories of students shall 1354

not be included in the determination:	1355
(a) Students enrolled in adult education classes;	1356
(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;	1357 1358 1359
(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;	1360 1361 1362 1363 1364
(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.	1365 1366
(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:	1367 1368 1369 1370 1371
(a) Students enrolled in each individual grade included in the joint vocational district schools;	1372 1373
(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;	1374 1375 1376
(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;	1377 1378 1379
(d) Children with disabilities receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code;	1380 1381 1382

(e) Children with disabilities receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code;	1383 1384 1385
(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;	1386 1387 1388
(g) Children with disabilities receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code;	1389 1390 1391
(h) Students receiving category one career-technical education services, described in division (A) of section 3317.014 of the Revised Code;	1392 1393 1394
(i) Students receiving category two career-technical education services, described in division (B) of section 3317.014 of the Revised Code;	1395 1396 1397
(j) Students receiving category three career-technical education services, described in division (C) of section 3317.014 of the Revised Code;	1398 1399 1400
(k) Students receiving category four career-technical education services, described in division (D) of section 3317.014 of the Revised Code;	1401 1402 1403
(l) Students receiving category five career-technical education services, described in division (E) of section 3317.014 of the Revised Code;	1404 1405 1406
(m) Limited English proficient students described in division (A) of section 3317.016 of the Revised Code;	1407 1408
(n) Limited English proficient students described in division (B) of section 3317.016 of the Revised Code;	1409 1410

(o) Limited English proficient students described in 1411
division (C) of section 3317.016 of the Revised Code; 1412

(p) Students who are economically disadvantaged, as 1413
defined by the department. A student shall not be categorically 1414
excluded from the number reported under division (D) (2) (p) of 1415
this section based on anything other than family income. 1416

The superintendent of each joint vocational school 1417
district shall also indicate the city, local, or exempted 1418
village school district in which each joint vocational district 1419
pupil is entitled to attend school pursuant to section 3313.64 1420
or 3313.65 of the Revised Code. 1421

(E) In each school of each city, local, exempted village, 1422
joint vocational, and cooperative education school district 1423
there shall be maintained a record of school enrollment, which 1424
record shall accurately show, for each day the school is in 1425
session, the actual enrollment in regular day classes. For the 1426
purpose of determining the enrollment of students, the 1427
enrollment figure of any school shall not include any pupils 1428
except those pupils described by division (A) of this section. 1429
The record of enrollment for each school shall be maintained in 1430
such manner that no pupil shall be counted as enrolled prior to 1431
the actual date of entry in the school and also in such manner 1432
that where for any cause a pupil permanently withdraws from the 1433
school that pupil shall not be counted as enrolled from and 1434
after the date of such withdrawal. There shall not be included 1435
in the enrollment of any school any of the following: 1436

(1) Any pupil who has graduated from the twelfth grade of 1437
a public or nonpublic high school; 1438

(2) Any pupil who is not a resident of the state; 1439

(3) Any pupil who was enrolled in the schools of the 1440
district during the previous school year when assessments were 1441
administered under section 3301.0711 of the Revised Code but did 1442
not take one or more of the assessments required by that section 1443
and was not excused pursuant to division (C) (1) or (3) of that 1444
section; 1445

(4) Any pupil who has attained the age of twenty-two 1446
years, except for veterans of the armed services whose 1447
attendance was interrupted before completing the recognized 1448
twelve-year course of the public schools by reason of induction 1449
or enlistment in the armed forces and who apply for reenrollment 1450
in the public school system of their residence not later than 1451
four years after termination of war or their honorable 1452
discharge; 1453

(5) Any pupil who has a certificate of high school 1454
equivalence as defined in section 5107.40 of the Revised Code. 1455

If, however, any veteran described by division (E) (4) of 1456
this section elects to enroll in special courses organized for 1457
veterans for whom tuition is paid under the provisions of 1458
federal laws, or otherwise, that veteran shall not be included 1459
in the enrollment of students determined under this section. 1460

Notwithstanding division (E) (3) of this section, the 1461
enrollment of any school may include a pupil who did not take an 1462
assessment required by section 3301.0711 of the Revised Code if 1463
the superintendent of public instruction grants a waiver from 1464
the requirement to take the assessment to the specific pupil and 1465
a parent is not paying tuition for the pupil pursuant to section 1466
3313.6410 of the Revised Code. The superintendent may grant such 1467
a waiver only for good cause in accordance with rules adopted by 1468
the state board of education. 1469

The formula ADM, total ADM, category one through five 1470
career-technical education ADM, category one through three 1471
limited English proficient ADM, category one through six special 1472
education ADM, preschool scholarship ADM, transportation ADM, 1473
and, for purposes of provisions of law outside of Chapter 3317. 1474
of the Revised Code, average daily membership of any school 1475
district shall be determined in accordance with rules adopted by 1476
the state board of education. 1477

(F) (1) If a student attending a community school under 1478
Chapter 3314., a science, technology, engineering, and 1479
mathematics school established under Chapter 3326., or a 1480
college-preparatory boarding school established under Chapter 1481
3328. of the Revised Code is not included in the formula ADM 1482
calculated for the school district in which the student is 1483
entitled to attend school under section 3313.64 or 3313.65 of 1484
the Revised Code, the department of education shall adjust the 1485
formula ADM of that school district to include the student in 1486
accordance with division (C) (2) of this section, and shall 1487
recalculate the school district's payments under this chapter 1488
for the entire fiscal year on the basis of that adjusted formula 1489
ADM. 1490

(2) If a student awarded an educational choice scholarship 1491
is not included in the formula ADM of the school district from 1492
which the department deducts funds for the scholarship under 1493
section 3310.08 of the Revised Code, the department shall adjust 1494
the formula ADM of that school district to include the student 1495
to the extent necessary to account for the deduction, and shall 1496
recalculate the school district's payments under this chapter 1497
for the entire fiscal year on the basis of that adjusted formula 1498
ADM. Division (F) (2) of this section does not apply after July 1499
1, 2020. 1500

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

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

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

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

(b) The superintendent of an institution with career-technical education units approved under section 3317.05 of the Revised Code shall, for the units under the superintendent's

supervision, certify to the state board of education the 1531
enrollment in those units, in the manner prescribed by the 1532
superintendent of public instruction. 1533

(2) The superintendent of each county board of 1534
developmental disabilities that maintains special education 1535
classes under section 3317.20 of the Revised Code or provides 1536
services to preschool children with disabilities pursuant to an 1537
agreement between the county board and the appropriate school 1538
district shall do both of the following: 1539

(a) Certify to the state board, in the manner prescribed 1540
by the board, the enrollment in classes under section 3317.20 of 1541
the Revised Code for each school district that has placed 1542
children in the classes; 1543

(b) Certify to the state board, in the manner prescribed 1544
by the board, the unduplicated count of the number of all 1545
preschool children with disabilities enrolled in classes for 1546
which the ~~DD~~board is eligible to receive funding under section 1547
3317.0213 of the Revised Code adjusted for the portion of the 1548
year each child is so enrolled, reported according to the 1549
categories prescribed in section 3317.013 of the Revised Code, 1550
and the number of those classes. 1551

(H) Except as provided in division (I) of this section, 1552
when any city, local, or exempted village school district 1553
provides instruction for a nonresident pupil whose attendance is 1554
unauthorized attendance as defined in section 3327.06 of the 1555
Revised Code, that pupil's enrollment shall not be included in 1556
that district's enrollment figure used in calculating the 1557
district's payments under this chapter. The reporting official 1558
shall report separately the enrollment of all pupils whose 1559
attendance in the district is unauthorized attendance, and the 1560

enrollment of each such pupil shall be credited to the school 1561
district in which the pupil is entitled to attend school under 1562
division (B) of section 3313.64 or section 3313.65 of the 1563
Revised Code as determined by the department of education. 1564

(I) (1) Prior to July 1, 2020: 1565

(a) A city, local, exempted village, or joint vocational 1566
school district admitting a scholarship student of a pilot 1567
project district pursuant to division (C) of section 3313.976 of 1568
the Revised Code may count such student in its enrollment. 1569

~~(2)~~ (b) In any year for which funds are appropriated for 1570
pilot project scholarship programs, a school district 1571
implementing a state-sponsored pilot project scholarship program 1572
that year pursuant to sections 3313.974 to 3313.979 of the 1573
Revised Code may count in its enrollment: 1574

~~(a)~~ (i) All children residing in the district and 1575
utilizing a scholarship to attend kindergarten in any 1576
alternative school, as defined in section 3313.974 of the 1577
Revised Code; 1578

~~(b)~~ (ii) All children who were enrolled in the district in 1579
the preceding year who are utilizing a scholarship to attend an 1580
alternative school. 1581

(2) Division (I) (1) of this section does not apply after 1582
July 1, 2020. 1583

(J) The superintendent of each cooperative education 1584
school district shall certify to the superintendent of public 1585
instruction, in a manner prescribed by the state board of 1586
education, the applicable enrollments for all students in the 1587
cooperative education district, also indicating the city, local, 1588
or exempted village district where each pupil is entitled to 1589

attend school under section 3313.64 or 3313.65 of the Revised Code. 1590
1591

(K) If the superintendent of public instruction determines 1592
that a component of the enrollment certified or reported by a 1593
district superintendent, or other reporting entity, is not 1594
correct, the superintendent of public instruction may order that 1595
the formula ADM used for the purposes of payments under any 1596
section of Title XXXVIII of the Revised Code be adjusted in the 1597
amount of the error. 1598

Section 2. That existing sections 3310.01, 3310.02, 1599
3310.03, 3310.032, 3310.08, 3310.09, 3313.978, 3317.02, and 1600
3317.03 of the Revised Code are hereby repealed. 1601

Section 3. That sections 3310.035 and 3310.16 of the 1602
Revised Code are hereby repealed. 1603

Section 4. Sections 1, 2, and 3 of this act shall take 1604
effect July 1, 2020, and shall first apply to the 2020-2021 1605
school year. Prior to July 1, 2020, the Department of Education 1606
shall take steps necessary to implement the Educational Choice 1607
Scholarship Pilot Program as amended by this act beginning with 1608
the 2020-2021 school year, including the eligibility of students 1609
for the program. 1610

Section 5. Section 3317.03 of the Revised Code is 1611
presented in this act as a composite of the section as amended 1612
by both Sub. H.B. 113 and Sub. H.B. 158 of the 131st General 1613
Assembly. The General Assembly, applying the principle stated in 1614
division (B) of section 1.52 of the Revised Code that amendments 1615
are to be harmonized if reasonably capable of simultaneous 1616
operation, finds that the composite is the resulting version of 1617
the section in effect prior to the effective date of the section 1618

as presented in this act.

1619