

OPINION NO. 75-080**Syllabus:**

R.C. 3317.023(D) requires that the entire amount of reimbursement to the county board of education under R.C. 3317.11 must be deducted from the amount of payments computed pursuant to R.C. 3317.022(A). The 17% factor provided in R.C. 3317.51(A) does not apply until after the adjustments required by R.C. 3317.023 have been made.

To: Martin W. Essex, Supt. of Public Instruction, Dept. of Education, Columbus, Ohio
By: William J. Brown, Attorney General, November 18, 1975

Your request for my opinion poses the following question:

Since the legislature enacted Section 3317.023(D) which provides for a deduction of the amount of the payment for the reimbursement to the county board of education pursuant to Section 3317.11, from local school districts, does the State Department of Education have the responsibility to deduct the full amount for county services from the Foundation Program payment to a local school district and, therefore, by-pass the 17% phase-in factor mandated under Section 3317.51?

Your question concerns essentially the effect of R.C. 3317.51 on the amount of adjustment required pursuant to R.C. 3317.023(D). Specifically it is necessary to determine at what point in the computation of a local school district's foundation payments it is necessary to make an adjustment to reflect the amount of state reimbursement to the county school board for service provided by the county board to the local school district.

R.C. 3317.11 provides as follows for the reimbursement of county boards of education for services provided to local school districts:

". . . .

"Every local district shall be provided supervisory services by its county board of education as approved by the state board of education, but not to exceed one supervisory teacher for the first fifty classroom teachers calculated under 3317.022 of the Revised Code and one supervisory teacher for every additional one hundred such classroom teachers so calculated. Reimbursement for such supervisory services shall be a deduction by the state board of education from the payment to the local school district under section 3317.022 of the Revised Code. Deductions for all supervisory services and extended services for supervisory and child study in excess of that paid by the state pursuant to section 3317.024 of the Revised Code; shall be apportioned among local school districts within the county by the state board of education on the basis of the total number of pupils in each school district, except that where such services are provided to districts other than local school districts within the county, such charges shall be apportioned among all participating districts on the basis of the total number of pupils in each school district. All deductions from the state funding to local school districts required for reimbursement of county boards of education shall be made under Division (D) of Section 3317.023 of the Revised Code."

(Emphasis added.)

R.C. 3317.022 and R.C. 3317.023 provide for the computation of foundation payments and may be set out as follows:

R.C. 3317.022

"The Department of Education shall compute and distribute state basic aid to each school district for each fiscal year in accordance with the following formula, using the information obtained under Section 3317.021 of the Revised Code in the calendar year in which the fiscal year begins:

"(A) (\$48--Local yield per pupil per mill)
x Adm x 20
Plus, if a positive amount,
(\$42--Local yield per pupil per mill)
x Adm x number of state equalized mills
or fractions thereof in excess of 20
but not exceeding 30.

"(B) If the amount computed in accordance with Division (A) of this Section and Section 3317.023 of the Revised Code is equal to or greater than basic state aid, calculate for the district the sum of;

"(1) Basic state aid; plus

"(2) Twenty-six per cent of the amount if any, by which the amount computed under Division (A) of this Section and Section 3317.023 of the Revised Code exceeds basic state aid.

"If the payment computed under Division (A) of this Section and Section 3317.023 of the Revised Code is less than basic state aid, the district shall be paid such payment plus one-half of the difference between such payment and basic state aid."

R.C. 3317.023

"The computation required to be made for each school district by Division (A) of Section 3317.022 of the Revised Code shall be increased or decreased by the sum of the following computations:

". . . .

"(D) If a local school district, deduct the amount of the payment required for the reimbursement of the county board of education under Section 3317.11 of the Revised Code."

R.C. 3317.022(A), therefore, provides the formula for computing basic state aid. R.C. 3317.023(D) provides that in the case of a local school district, basic state aid as computed under R.C. 3317.022(A) is to be decreased by the amount of the reimbursement to the county board of education pursuant to R.C. 3317.11. It should be noted that adjustments required by R.C. 3317.023 are to be made to computations under R.C. 3317.022(A). Once these adjustments are made, R.C. 3317.022(B) requires a determination as to whether the adjusted computations are equal to or greater than basic state aid. R.C. 3317.022(B) then provides

for payments reflecting the difference between basic aid and the amount computed in accordance with R.C. 3317.022(A) and R.C. 3317.023.

It is at this point that R.C. 3317.51 comes into play. That section provides in pertinent part that:

"Notwithstanding Sections 3317.022 to 3317.024 and 3317.13 of the Revised Code, in lieu of the payment computed in accordance with those sections, each school district shall be paid and shall use as the base for its minimum teacher salary schedule in fiscal year 1975-76, the amount computed in accordance with this section.

"(A) If the payment computed in accordance with Division (A) of Section 3317.022 and Section 3317.023 of the Revised Code is equal to or greater than basic state aid, pay the district the sum of:

- (1) Basic state aid; plus
- (2) Seventeen per cent of the amount, if any, by which the amount computed exceeds basic state aid.

"(B) If the payment required by Division (A) of Section 3317.022 and Section 3317.023 of the Revised Code is less than basic state aid, the district shall be paid basic state aid."

It is clear from a reading of the above that R.C. 3317.51, and the 17% factor provided therein, do not apply until after payments are computed pursuant to R.C. 3317.022 and R.C. 3317.023. Therefore, in determining the amount of payments, R.C. 3317.023(D) requires that the entire amount of the reimbursement to the county board of education under R.C. 3317.11 must be deducted from the amount computed under R.C. 3317.022(A).

In specific answer to your question, it is my opinion and you are so advised that R.C. 3317.023(D) requires that the entire amount of reimbursement to the county board of education under R.C. 3317.11 must be deducted from the amount of payments computed pursuant to R.C. 3317.022(A). The 17% factor provided in R.C. 3317.51(A) does not apply until after the adjustments required by R.C. 3317.023 have been made.