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133rd General Assembly
Regular Session
2019-2020

Sub. H. B. No. 127

A BILL

To amend sections 133.06, 3302.036, 3302.042, 1
3302.12, 3302.17, 3310.03, 3311.29, and 3314.102 2
and to repeal sections 3302.10, 3302.101, 3
3302.102, and 3302.11 of the Revised Code and to 4
repeal Sections 4, 5, and 6 of Am. Sub. H.B. 70 5
of the 131st General Assembly to dissolve 6
academic distress commissions and to prohibit 7
the creation of new commissions. 8

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

Section 1. That sections 133.06, 3302.036, 3302.042, 9
3302.12, 3302.17, 3310.03, 3311.29, and 3314.102 of the Revised 10
Code be amended to read as follows: 11

Sec. 133.06. (A) A school district shall not incur, 12
without a vote of the electors, net indebtedness that exceeds an 13
amount equal to one-tenth of one per cent of its tax valuation, 14
except as provided in divisions (G) and (H) of this section and 15
in division (D) of section 3313.372 of the Revised Code, or as 16
prescribed in section 3318.052 or 3318.44 of the Revised Code, 17
or as provided in division (J) of this section. 18



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(B) Except as provided in divisions (E), (F), and (I) of 19
this section, a school district shall not incur net indebtedness 20
that exceeds an amount equal to nine per cent of its tax 21
valuation. 22

(C) A school district shall not submit to a vote of the 23
electors the question of the issuance of securities in an amount 24
that will make the district's net indebtedness after the 25
issuance of the securities exceed an amount equal to four per 26
cent of its tax valuation, unless the superintendent of public 27
instruction, acting under policies adopted by the state board of 28
education, and the tax commissioner, acting under written 29
policies of the commissioner, consent to the submission. A 30
request for the consents shall be made at least one hundred 31
twenty days prior to the election at which the question is to be 32
submitted. 33

The superintendent of public instruction shall certify to 34
the district the superintendent's and the tax commissioner's 35
decisions within thirty days after receipt of the request for 36
consents. 37

If the electors do not approve the issuance of securities 38
at the election for which the superintendent of public 39
instruction and tax commissioner consented to the submission of 40
the question, the school district may submit the same question 41
to the electors on the date that the next special election may 42
be held under section 3501.01 of the Revised Code without 43
submitting a new request for consent. If the school district 44
seeks to submit the same question at any other subsequent 45
election, the district shall first submit a new request for 46
consent in accordance with this division. 47

(D) In calculating the net indebtedness of a school 48

district, none of the following shall be considered:	49
(1) Securities issued to acquire school buses and other equipment used in transporting pupils or issued pursuant to division (D) of section 133.10 of the Revised Code;	50 51 52
(2) Securities issued under division (F) of this section, under section 133.301 of the Revised Code, and, to the extent in excess of the limitation stated in division (B) of this section, under division (E) of this section;	53 54 55 56
(3) Indebtedness resulting from the dissolution of a joint vocational school district under section 3311.217 of the Revised Code, evidenced by outstanding securities of that joint vocational school district;	57 58 59 60
(4) Loans, evidenced by any securities, received under sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code;	61 62
(5) Debt incurred under section 3313.374 of the Revised Code;	63 64
(6) Debt incurred pursuant to division (B)(5) of section 3313.37 of the Revised Code to acquire computers and related hardware;	65 66 67
(7) Debt incurred under section 3318.042 of the Revised Code;	68 69
(8) Debt incurred under section 5705.2112 or 5705.2113 of the Revised Code by the fiscal board of a qualifying partnership of which the school district is a participating school district.	70 71 72
(E) A school district may become a special needs district as to certain securities as provided in division (E) of this section.	73 74 75

(1) A board of education, by resolution, may declare its school district to be a special needs district by determining both of the following:

(a) The student population is not being adequately serviced by the existing permanent improvements of the district.

(b) The district cannot obtain sufficient funds by the issuance of securities within the limitation of division (B) of this section to provide additional or improved needed permanent improvements in time to meet the needs.

(2) The board of education shall certify a copy of that resolution to the superintendent of public instruction with a statistical report showing all of the following:

(a) The history of and a projection of the growth of the tax valuation;

(b) The projected needs;

(c) The estimated cost of permanent improvements proposed to meet such projected needs.

(3) The superintendent of public instruction shall certify the district as an approved special needs district if the superintendent finds both of the following:

(a) The district does not have available sufficient additional funds from state or federal sources to meet the projected needs.

(b) The projection of the potential average growth of tax valuation during the next five years, according to the information certified to the superintendent and any other information the superintendent obtains, indicates a likelihood of potential average growth of tax valuation of the district

during the next five years of an average of not less than one 104
and one-half per cent per year. The findings and certification 105
of the superintendent shall be conclusive. 106

(4) An approved special needs district may incur net 107
indebtedness by the issuance of securities in accordance with 108
the provisions of this chapter in an amount that does not exceed 109
an amount equal to the greater of the following: 110

(a) Twelve per cent of the sum of its tax valuation plus 111
an amount that is the product of multiplying that tax valuation 112
by the percentage by which the tax valuation has increased over 113
the tax valuation on the first day of the sixtieth month 114
preceding the month in which its board determines to submit to 115
the electors the question of issuing the proposed securities; 116

(b) Twelve per cent of the sum of its tax valuation plus 117
an amount that is the product of multiplying that tax valuation 118
by the percentage, determined by the superintendent of public 119
instruction, by which that tax valuation is projected to 120
increase during the next ten years. 121

(F) A school district may issue securities for emergency 122
purposes, in a principal amount that does not exceed an amount 123
equal to three per cent of its tax valuation, as provided in 124
this division. 125

(1) A board of education, by resolution, may declare an 126
emergency if it determines both of the following: 127

(a) School buildings or other necessary school facilities 128
in the district have been wholly or partially destroyed, or 129
condemned by a constituted public authority, or that such 130
buildings or facilities are partially constructed, or so 131
constructed or planned as to require additions and improvements 132

to them before the buildings or facilities are usable for their 133
intended purpose, or that corrections to permanent improvements 134
are necessary to remove or prevent health or safety hazards. 135

(b) Existing fiscal and net indebtedness limitations make 136
adequate replacement, additions, or improvements impossible. 137

(2) Upon the declaration of an emergency, the board of 138
education may, by resolution, submit to the electors of the 139
district pursuant to section 133.18 of the Revised Code the 140
question of issuing securities for the purpose of paying the 141
cost, in excess of any insurance or condemnation proceeds 142
received by the district, of permanent improvements to respond 143
to the emergency need. 144

(3) The procedures for the election shall be as provided 145
in section 133.18 of the Revised Code, except that: 146

(a) The form of the ballot shall describe the emergency 147
existing, refer to this division as the authority under which 148
the emergency is declared, and state that the amount of the 149
proposed securities exceeds the limitations prescribed by 150
division (B) of this section; 151

(b) The resolution required by division (B) of section 152
133.18 of the Revised Code shall be certified to the county 153
auditor and the board of elections at least one hundred days 154
prior to the election; 155

(c) The county auditor shall advise and, not later than 156
ninety-five days before the election, confirm that advice by 157
certification to, the board of education of the information 158
required by division (C) of section 133.18 of the Revised Code; 159

(d) The board of education shall then certify its 160
resolution and the information required by division (D) of 161

section 133.18 of the Revised Code to the board of elections not 162
less than ninety days prior to the election. 163

(4) Notwithstanding division (B) of section 133.21 of the 164
Revised Code, the first principal payment of securities issued 165
under this division may be set at any date not later than sixty 166
months after the earliest possible principal payment otherwise 167
provided for in that division. 168

(G) (1) The board of education may contract with an 169
architect, professional engineer, or other person experienced in 170
the design and implementation of energy conservation measures 171
for an analysis and recommendations pertaining to installations, 172
modifications of installations, or remodeling that would 173
significantly reduce energy consumption in buildings owned by 174
the district. The report shall include estimates of all costs of 175
such installations, modifications, or remodeling, including 176
costs of design, engineering, installation, maintenance, 177
repairs, measurement and verification of energy savings, and 178
debt service, forgone residual value of materials or equipment 179
replaced by the energy conservation measure, as defined by the 180
Ohio facilities construction commission, a baseline analysis of 181
actual energy consumption data for the preceding three years 182
with the utility baseline based on only the actual energy 183
consumption data for the preceding twelve months, and estimates 184
of the amounts by which energy consumption and resultant 185
operational and maintenance costs, as defined by the commission, 186
would be reduced. 187

If the board finds after receiving the report that the 188
amount of money the district would spend on such installations, 189
modifications, or remodeling is not likely to exceed the amount 190
of money it would save in energy and resultant operational and 191

maintenance costs over the ensuing fifteen years, the board may 192
submit to the commission a copy of its findings and a request 193
for approval to incur indebtedness to finance the making or 194
modification of installations or the remodeling of buildings for 195
the purpose of significantly reducing energy consumption. 196

The facilities construction commission, in consultation 197
with the auditor of state, may deny a request under division (G) 198
(1) of this section by the board of education of any school 199
district that is in a state of fiscal watch pursuant to division 200
(A) of section 3316.03 of the Revised Code, if it determines 201
that the expenditure of funds is not in the best interest of the 202
school district. 203

No district board of education of a school district that 204
is in a state of fiscal emergency pursuant to division (B) of 205
section 3316.03 of the Revised Code shall submit a request 206
without submitting evidence that the installations, 207
modifications, or remodeling have been approved by the 208
district's financial planning and supervision commission 209
established under section 3316.05 of the Revised Code. 210

~~No board of education of a school district for which an 211
academic distress commission has been established under section 212
3302.10 of the Revised Code shall submit a request without first 213
receiving approval to incur indebtedness from the district's 214
academic distress commission established under that section, for 215
so long as such commission continues to be required for the 216
district. 217~~

(2) The board of education may contract with a person 218
experienced in the implementation of student transportation to 219
produce a report that includes an analysis of and 220
recommendations for the use of alternative fuel vehicles by 221

school districts. The report shall include cost estimates 222
detailing the return on investment over the life of the 223
alternative fuel vehicles and environmental impact of 224
alternative fuel vehicles. The report also shall include 225
estimates of all costs associated with alternative fuel 226
transportation, including facility modifications and vehicle 227
purchase costs or conversion costs. 228

If the board finds after receiving the report that the 229
amount of money the district would spend on purchasing 230
alternative fuel vehicles or vehicle conversion is not likely to 231
exceed the amount of money it would save in fuel and resultant 232
operational and maintenance costs over the ensuing five years, 233
the board may submit to the commission a copy of its findings 234
and a request for approval to incur indebtedness to finance the 235
purchase of new alternative fuel vehicles or vehicle conversions 236
for the purpose of reducing fuel costs. 237

The facilities construction commission, in consultation 238
with the auditor of state, may deny a request under division (G) 239
(2) of this section by the board of education of any school 240
district that is in a state of fiscal watch pursuant to division 241
(A) of section 3316.03 of the Revised Code, if it determines 242
that the expenditure of funds is not in the best interest of the 243
school district. 244

No district board of education of a school district that 245
is in a state of fiscal emergency pursuant to division (B) of 246
section 3316.03 of the Revised Code shall submit a request 247
without submitting evidence that the purchase or conversion of 248
alternative fuel vehicles has been approved by the district's 249
financial planning and supervision commission established under 250
section 3316.05 of the Revised Code. 251

~~No board of education of a school district for which an
academic distress commission has been established under section
3302.10 of the Revised Code shall submit a request without first
receiving approval to incur indebtedness from the district's
academic distress commission established under that section, for
so long as such commission continues to be required for the
district.~~

(3) The facilities construction commission shall approve
the board's request provided that the following conditions are
satisfied:

(a) The commission determines that the board's findings
are reasonable.

(b) The request for approval is complete.

(c) If the request was submitted under division (G)(1) of
this section, the installations, modifications, or remodeling
are consistent with any project to construct or acquire
classroom facilities, or to reconstruct or make additions to
existing classroom facilities under sections 3318.01 to 3318.20
or sections 3318.40 to 3318.45 of the Revised Code.

Upon receipt of the commission's approval, the district
may issue securities without a vote of the electors in a
principal amount not to exceed nine-tenths of one per cent of
its tax valuation for the purpose specified in division (G)(1)
or (2) of this section, but the total net indebtedness of the
district without a vote of the electors incurred under this and
all other sections of the Revised Code, except section 3318.052
of the Revised Code, shall not exceed one per cent of the
district's tax valuation.

(4) (a) So long as any securities issued under division (G)

(1) of this section remain outstanding, the board of education 281
shall monitor the energy consumption and resultant operational 282
and maintenance costs of buildings in which installations or 283
modifications have been made or remodeling has been done 284
pursuant to that division. Except as provided in division (G) (4) 285
(b) of this section, the board shall maintain and annually 286
update a report in a form and manner prescribed by the 287
facilities construction commission documenting the reductions in 288
energy consumption and resultant operational and maintenance 289
cost savings attributable to such installations, modifications, 290
or remodeling. The resultant operational and maintenance cost 291
savings shall be certified by the school district treasurer. The 292
report shall be submitted annually to the commission. 293

(b) If the facilities construction commission verifies 294
that the certified annual reports submitted to the commission by 295
a board of education under division (G) (4) (a) of this section 296
fulfill the guarantee required under division (B) of section 297
3313.372 of the Revised Code for three consecutive years, the 298
board of education shall no longer be subject to the annual 299
reporting requirements of division (G) (4) (a) of this section. 300

(5) So long as any securities issued under division (G) (2) 301
of this section remain outstanding, the board of education shall 302
monitor the purchase of new alternative fuel vehicles or vehicle 303
conversions pursuant to that division. The board shall maintain 304
and annually update a report in a form and manner prescribed by 305
the facilities construction commission documenting the purchase 306
of new alternative fuel vehicles or vehicle conversions, the 307
associated environmental impact, and return on investment. The 308
resultant fuel and operational and maintenance cost savings 309
shall be certified by the school district treasurer. The report 310
shall be submitted annually to the commission. 311

(H) With the consent of the superintendent of public instruction, a school district may incur without a vote of the electors net indebtedness that exceeds the amounts stated in divisions (A) and (G) of this section for the purpose of paying costs of permanent improvements, if and to the extent that both of the following conditions are satisfied:

(1) The fiscal officer of the school district estimates that receipts of the school district from payments made under or pursuant to agreements entered into pursuant to section 725.02, 1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.45, 5709.57, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 of the Revised Code, or distributions under division (C) of section 5709.43 or division (B) of section 5709.47 of the Revised Code, or any combination thereof, are, after accounting for any appropriate coverage requirements, sufficient in time and amount, and are committed by the proceedings, to pay the debt charges on the securities issued to evidence that indebtedness and payable from those receipts, and the taxing authority of the district confirms the fiscal officer's estimate, which confirmation is approved by the superintendent of public instruction;

(2) The fiscal officer of the school district certifies, and the taxing authority of the district confirms, that the district, at the time of the certification and confirmation, reasonably expects to have sufficient revenue available for the purpose of operating such permanent improvements for their intended purpose upon acquisition or completion thereof, and the superintendent of public instruction approves the taxing authority's confirmation.

The maximum maturity of securities issued under division

(H) of this section shall be the lesser of twenty years or the
maximum maturity calculated under section 133.20 of the Revised
Code.

(I) A school district may incur net indebtedness by the
issuance of securities in accordance with the provisions of this
chapter in excess of the limit specified in division (B) or (C)
of this section when necessary to raise the school district
portion of the basic project cost and any additional funds
necessary to participate in a project under Chapter 3318. of the
Revised Code, including the cost of items designated by the
facilities construction commission as required locally funded
initiatives, the cost of other locally funded initiatives in an
amount that does not exceed fifty per cent of the district's
portion of the basic project cost, and the cost for site
acquisition. The commission shall notify the superintendent of
public instruction whenever a school district will exceed either
limit pursuant to this division.

(J) A school district whose portion of the basic project
cost of its classroom facilities project under sections 3318.01
to 3318.20 of the Revised Code is greater than or equal to one
hundred million dollars may incur without a vote of the electors
net indebtedness in an amount up to two per cent of its tax
valuation through the issuance of general obligation securities
in order to generate all or part of the amount of its portion of
the basic project cost if the controlling board has approved the
facilities construction commission's conditional approval of the
project under section 3318.04 of the Revised Code. The school
district board and the Ohio facilities construction commission
shall include the dedication of the proceeds of such securities
in the agreement entered into under section 3318.08 of the
Revised Code. No state moneys shall be released for a project to

which this section applies until the proceeds of any bonds 373
issued under this section that are dedicated for the payment of 374
the school district portion of the project are first deposited 375
into the school district's project construction fund. 376

Sec. 3302.036. (A) Notwithstanding anything in the Revised 377
Code to the contrary, the department of education shall not 378
assign an overall letter grade under division (C) (3) of section 379
3302.03 of the Revised Code for any school district or building 380
for the 2014-2015, 2015-2016, ~~or~~ and 2016-2017 school years, 381
may, at the discretion of the state board of education, not 382
assign an individual grade to any component prescribed under 383
division (C) (3) of section 3302.03 of the Revised Code, and 384
shall not rank school districts, community schools established 385
under Chapter 3314. of the Revised Code, or STEM schools 386
established under Chapter 3326. of the Revised Code under 387
section 3302.21 of the Revised Code for those school years. The 388
report card ratings issued for the 2014-2015, 2015-2016, ~~or~~ and 389
2016-2017 school years shall not be considered in determining 390
whether a school district or a school is subject to sanctions or 391
penalties. However, the report card ratings of any previous or 392
subsequent years shall be considered in determining whether a 393
school district or building is subject to sanctions or 394
penalties. Accordingly, the report card ratings for the 2014- 395
2015, 2015-2016, ~~or~~ and 2016-2017 school years shall have no 396
effect in determining sanctions or penalties, but shall not 397
create a new starting point for determinations that are based on 398
ratings over multiple years. 399

(B) The provisions from which a district or school is 400
exempt under division (A) of this section shall be the 401
following: 402

(1) Any restructuring provisions established under this chapter, except as required under the "No Child Left Behind Act of 2001";

(2) Provisions for the Columbus city school pilot project under section 3302.042 of the Revised Code;

~~(3) Provisions for academic distress commissions under former section 3302.10 of the Revised Code as it existed prior to the effective date of this amendment. The provisions of this section do not apply to academic distress commissions under the version of that section as it exists on or after the effective date of this amendment.~~

~~(4)~~ Provisions prescribing new buildings where students are eligible for the educational choice scholarships under section 3310.03 of the Revised Code;

~~(5)~~ (4) Provisions defining "challenged school districts" in which new start-up community schools may be located, as prescribed in section 3314.02 of the Revised Code;

~~(6)~~ (5) Provisions prescribing community school closure requirements under section 3314.35 or 3314.351 of the Revised Code.

(C) Notwithstanding anything in the Revised Code to the contrary and except as provided in Section 3 of H.B. 7 of the 131st general assembly, no school district, community school, or STEM school shall utilize at any time during a student's academic career a student's score on any assessment administered under division (A) of section 3301.0710 or division (B) (2) of section 3301.0712 of the Revised Code in the 2014-2015, 2015-2016, ~~or and~~ 2016-2017 school ~~year-years~~ as a factor in any decision to promote or to deny the student promotion to a higher

grade level or in any decision to grant course credit. No 432
individual student score reports on such assessments 433
administered in the 2014-2015, 2015-2016, or 2016-2017 school 434
years shall be released, except to a student's school district 435
or school or to the student or the student's parent or guardian. 436

Sec. 3302.042. (A) This section shall operate as a pilot 437
project that applies to any school that has been ranked 438
according to performance index score under section 3302.21 of 439
the Revised Code in the lowest five per cent of all public 440
school buildings statewide for three or more consecutive school 441
years and is operated by the Columbus city school district. The 442
pilot project shall commence once the department of education 443
establishes implementation guidelines for the pilot project in 444
consultation with the Columbus city school district. 445

(B) Except as provided in division (D), (E), or (F) of 446
this section, if the parents or guardians of at least fifty per 447
cent of the students enrolled in a school to which this section 448
applies, or if the parents or guardians of at least fifty per 449
cent of the total number of students enrolled in that school and 450
the schools of lower grade levels whose students typically 451
matriculate into that school, by the thirty-first day of 452
December of any school year in which the school is subject to 453
this section, sign and file with the school district treasurer a 454
petition requesting the district board of education to implement 455
one of the following reforms in the school, and if the validity 456
and sufficiency of the petition is certified in accordance with 457
division (C) of this section, the board shall implement the 458
requested reform in the next school year: 459

(1) Reopen the school as a community school under Chapter 460
3314. of the Revised Code; 461

(2) Replace at least seventy per cent of the school's 462
personnel who are related to the school's poor academic 463
performance or, at the request of the petitioners, retain not 464
more than thirty per cent of the personnel; 465

(3) Contract with another school district or a nonprofit 466
or for-profit entity with a demonstrated record of effectiveness 467
to operate the school; 468

(4) Turn operation of the school over to the department; 469

(5) Any other major restructuring of the school that makes 470
fundamental reforms in the school's staffing or governance. 471

(C) Not later than thirty days after receipt of a petition 472
under division (B) of this section, the district treasurer shall 473
verify the validity and sufficiency of the signatures on the 474
petition and certify to the district board whether the petition 475
contains the necessary number of valid signatures to require the 476
board to implement the reform requested by the petitioners. If 477
the treasurer certifies to the district board that the petition 478
does not contain the necessary number of valid signatures, any 479
person who signed the petition may file an appeal with the 480
county auditor within ten days after the certification. Not 481
later than thirty days after the filing of an appeal, the county 482
auditor shall conduct an independent verification of the 483
validity and sufficiency of the signatures on the petition and 484
certify to the district board whether the petition contains the 485
necessary number of valid signatures to require the board to 486
implement the requested reform. If the treasurer or county 487
auditor certifies that the petition contains the necessary 488
number of valid signatures, the district board shall notify the 489
superintendent of public instruction and the state board of 490
education of the certification. 491

(D) The district board shall not implement the reform 492
requested by the petitioners in any of the following 493
circumstances: 494

(1) The district board has determined that the request is 495
for reasons other than improving student academic achievement or 496
student safety. 497

(2) The state superintendent has determined that 498
implementation of the requested reform would not comply with the 499
model of differentiated accountability described in section 500
3302.041 of the Revised Code. 501

(3) The petitioners have requested the district board to 502
implement the reform described in division (B)(4) of this 503
section and the department has not agreed to take over the 504
school's operation. 505

(4) When all of the following have occurred: 506

(a) After a public hearing on the matter, the district 507
board issued a written statement explaining the reasons that it 508
is unable to implement the requested reform and agreeing to 509
implement one of the other reforms described in division (B) of 510
this section. 511

(b) The district board submitted its written statement to 512
the state superintendent and the state board along with evidence 513
showing how the alternative reform the district board has agreed 514
to implement will enable the school to improve its academic 515
performance. 516

(c) Both the state superintendent and the state board have 517
approved implementation of the alternative reform. 518

(E) If the provisions of this section conflict in any way 519

with the requirements of federal law, federal law shall prevail 520
over the provisions of this section. 521

(F) If a school is restructured under this section, or 522
~~section 3302.10~~ or 3302.12 of the Revised Code, or federal law, 523
the school shall not be required to restructure again under 524
state law for three consecutive years after the implementation 525
of that prior restructuring. 526

(G) Beginning not later than six months after the first 527
petition under this section has been resolved, the department of 528
education shall annually evaluate the pilot program and submit a 529
report to the general assembly under section 101.68 of the 530
Revised Code. Such reports shall contain its recommendations to 531
the general assembly with respect to the continuation of the 532
pilot program, its expansion to other school districts, or the 533
enactment of further legislation establishing the program 534
statewide under permanent law. 535

Sec. 3302.12. (A) (1) Except as provided in divisions (C) 536
and (D) of this section, this section applies to a school 537
building that is ranked according to performance index score 538
under section 3302.21 of the Revised Code in the lowest five per 539
cent of public school buildings statewide for three consecutive 540
years and that meets any combination of the following for three 541
consecutive years: 542

(a) The school building is declared to be under an 543
academic watch or in a state of academic emergency under section 544
3302.03 of the Revised Code; 545

(b) The school building that has received a grade of "F" 546
for the value-added progress dimension under division (A) (1) (e), 547
(B) (1) (e), or (C) (1) (e) of section 3302.03 of the Revised Code; 548

(c) The school building that has received an overall grade of "F" under section 3302.03 of the Revised Code.	549 550
(2) In the case of a building to which this section applies, the district board of education in control of that building shall do one of the following at the conclusion of the school year in which the building first becomes subject to this section:	551 552 553 554 555
(a) Close the school and direct the district superintendent to reassign the students enrolled in the school to other school buildings that demonstrate higher academic achievement;	556 557 558 559
(b) Contract with another school district or a nonprofit or for-profit entity with a demonstrated record of effectiveness to operate the school;	560 561 562
(c) Replace the principal and all teaching staff of the school and, upon request from the new principal, exempt the school from all requested policies and regulations of the board regarding curriculum and instruction. The board also shall distribute funding to the school in an amount that is at least equal to the product of the per pupil amount of state and local revenues received by the district multiplied by the student population of the school.	563 564 565 566 567 568 569 570
(d) Reopen the school as a conversion community school under Chapter 3314. of the Revised Code.	571 572
(B) If an action taken by the board under division (A) (2) of this section causes the district to no longer maintain all grades kindergarten through twelve, as required by section 3311.29 of the Revised Code, the board shall enter into a contract with another school district pursuant to section	573 574 575 576 577

3327.04 of the Revised Code for enrollment of students in the 578
schools of that other district to the extent necessary to comply 579
with the requirement of section 3311.29 of the Revised Code. 580
Notwithstanding any provision of the Revised Code to the 581
contrary, if the board enters into and maintains a contract 582
under section 3327.04 of the Revised Code, the district shall 583
not be considered to have failed to comply with the requirement 584
of section 3311.29 of the Revised Code. If, however, the 585
district board fails to or is unable to enter into or maintain 586
such a contract, the state board of education shall take all 587
necessary actions to dissolve the district as provided in 588
division (A) of section 3311.29 of the Revised Code. 589

(C) If a particular school is required to restructure 590
under this section and a petition with respect to that same 591
school has been filed and verified under divisions (B) and (C) 592
of section 3302.042 of the Revised Code, the provisions of that 593
section and the petition filed and verified under it shall 594
prevail over the provisions of this section and the school shall 595
be restructured under that section. However, if division (D) (1), 596
(2), or (3) of section 3302.042 of the Revised Code also applies 597
to the school, the school shall be subject to restructuring 598
under this section and not section 3302.042 of the Revised Code. 599

If the provisions of this section conflict in any way with 600
the requirements of federal law, federal law shall prevail over 601
the provisions of this section. 602

(D) If a school is restructured under this section 7 or 603
section 3302.042 ~~or 3302.10~~ of the Revised Code, or federal law, 604
the school shall not be required to restructure again under 605
state law for three consecutive years after the implementation 606
of that prior restructuring. 607

Sec. 3302.17. (A) Any school building operated by a city, 608
exempted village, or local school district, or a community 609
school established under Chapter 3314. of the Revised Code is 610
eligible to initiate the community learning center process as 611
prescribed by this section. 612

(B) Beginning with the 2015-2016 school year, each 613
district board of education or community school governing 614
authority may initiate a community learning center process for 615
any school building to which this section applies. 616

First, the board or governing authority shall conduct a 617
public information hearing at each school building to which this 618
section applies to inform the community of the community 619
learning center process. The board or governing authority may do 620
all of the following with regard to the public information 621
hearing: 622

(1) Announce the meeting not less than forty-five days in 623
advance at the school and on the school's or district's web 624
sites and using tools to ensure effective communication with 625
individuals with disabilities; 626

(2) Schedule the meeting for an evening or weekend time; 627

(3) Provide interpretation services and written materials 628
in all languages spoken by five per cent or more of the students 629
enrolled in the school; 630

(4) Provide child care services for parents attending the 631
meeting; 632

(5) Provide parents, students, teachers, nonteaching 633
employees, and community members with the opportunity to speak 634
at the meeting; 635

(6) Comply with section 149.43 of the Revised Code. 636

In preparing for the public information hearing, the board 637
or governing authority shall ensure that information about the 638
hearing is broadly distributed throughout the community. 639

The board or governing authority may enter into an 640
agreement with any civic engagement organizations, community 641
organizations, or employee organizations to support the 642
implementation of the community learning center process. 643

The board or governing authority shall conduct a follow-up 644
hearing at least once annually until action is further taken 645
under the section with respect to the school building or until 646
the conditions described in division (A) of this section no 647
longer apply to the school building. 648

(C) Not sooner than forty-five days after the first public 649
information hearing, the board or governing authority shall 650
conduct an election, by paper ballot, to initiate the process to 651
become a community learning center. Only parents or guardians of 652
students enrolled in the school and students enrolled in a 653
different school operated by a joint vocational school district 654
but are otherwise entitled to attend the school, and teachers 655
and nonteaching employees who are assigned to the school may 656
vote in the election. 657

The board or governing authority shall distribute the 658
ballots by mail and shall make copies available at the school 659
and on the web site of the school. The board or governing 660
authority also may distribute the ballots by directly giving 661
ballots to teachers and nonteaching employees and sending home 662
ballots with every student enrolled in the school building. 663

(D) The board or governing authority shall initiate the 664

transition of the building to a community learning center if the 665
results of the election held under division (C) of this section 666
are as follows: 667

(1) At least fifty per cent of parents and guardians of 668
students enrolled in the eligible school building and students 669
enrolled in a different building operated by a joint vocational 670
school district but who are entitled to attend the school cast 671
ballots by a date set by the board or governing authority, and 672
of those ballots at least sixty-seven per cent are in favor of 673
initiating the process; and 674

(2) At least fifty per cent of teachers and nonteaching 675
employees who are assigned to the school cast ballots by a date 676
set by the board or governing authority, and of those ballots at 677
least sixty-seven per cent are in favor of initiating the 678
process. 679

(E) If a community learning center process is initiated 680
under this section, the board or governing authority shall 681
create a school action team under section 3302.18 of the Revised 682
Code. Within four months upon selection, the school action team 683
shall conduct and complete, in consultation with community 684
partners, a performance audit of the school and review, with 685
parental input, the needs of the school with regard to 686
restructuring under section ~~3302.10~~, ~~3302.12~~, or 3302.042 of the 687
Revised Code, or federal law. 688

The school action team shall provide quarterly updates of 689
its work in a public hearing that complies with the same 690
specifications prescribed in division (B) of this section. 691

(F) Upon completion of the audit and review, the school 692
action team shall present its findings at a public hearing that 693

complies with the same specifications prescribed in division (B) 694
of this section. After the school action team presents its 695
findings at the public hearing, it shall create a community 696
learning center improvement plan that designates appropriate 697
interventions, which may be based on the recommendations 698
developed by the department under division (H)(1)(b) of this 699
section. 700

If there is a federally mandated school improvement 701
planning process, the team shall coordinate its work with that 702
plan. 703

The school action team shall approve the plan by a 704
majority vote. 705

(G) Upon approval of the plan by the school action team, 706
the team shall submit the community learning center improvement 707
plan to the same individuals described in division (C) of this 708
section. Ballots shall be distributed and an election shall be 709
conducted in the same manner as indicated under that division. 710

The school action team shall submit the plan to the 711
district board of education or community school governing 712
authority, if the results of the election under division (G) of 713
this section are as follows: 714

(1) At least thirty per cent of parents and guardians of 715
students enrolled in the eligible school building and students 716
enrolled in a different building operated by a joint vocational 717
school district but who are entitled to attend the school cast 718
ballots by a date set by the board or governing authority, and 719
of those ballots at least fifty per cent are in favor of 720
initiating the process; and 721

(2) At least thirty per cent of teachers and nonteaching 722

employees who are assigned to the school cast ballots by a date 723
set by the board or governing authority, and of those ballots at 724
least fifty per cent are in favor of initiating the process. 725

The board or governing authority shall evaluate the plan 726
and determine whether to adopt it. The board or governing 727
authority shall adopt the plan in full or adopt portions of the 728
plan. If the board or governing authority does not adopt the 729
plan in full, it shall provide a written explanation of why 730
portions of the plan were rejected. 731

(H) (1) The department shall do all of the following with 732
respect to this section: 733

(a) Adopt rules regarding the elections required under 734
this section; 735

(b) Develop appropriate interventions for a community 736
learning center improvement plan that may be used by a school 737
action team under division (F) of this section; 738

(c) Publish a menu of programs and services that may be 739
offered by community learning centers. The information shall be 740
posted on the department's web site. To compile this information 741
the department shall solicit input from resource coordinators of 742
existing community learning centers~~+~~. 743

(d) Provide information regarding implementation of 744
comprehensive community-based programs and supportive services 745
including the community learning center model to school 746
buildings meeting any of the following conditions: 747

(i) The building is in improvement status as defined by 748
the "No Child Left Behind Act of 2001" or under an agreement 749
between the Ohio department of education and the United States 750
secretary of education. 751

(ii) The building is a secondary school that is among the lowest achieving fifteen per cent of secondary schools statewide, as determined by the department.

(iii) The building is a secondary school with a graduation rate of sixty per cent or lower for three or more consecutive years.

(iv) The building is a school that the department determines is persistently low-performing.

(2) The department may do the following with respect to this section:

(a) Provide assistance, facilitation, and training to school action teams in the conducting of the audit required under this section;

(b) Provide opportunities for members of school action teams from different schools to share school improvement strategies with parents, teachers, and other relevant stakeholders in higher performing schools;

(c) Provide financial support in a school action team's planning process and create a grant program to assist in the implementation of a qualified community learning center plan.

(I) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the requirements of this section prevail over any conflicting provisions of a collective bargaining agreement entered into on or after ~~the effective date of this section~~ October 15, 2015. However, the board or governing authority and the teachers' labor organization may negotiate additional factors to be considered in the adoption of a community learning center plan.

Sec. 3310.03. A student is an "eligible student" for 780
purposes of the educational choice scholarship pilot program if 781
the student's resident district is not a school district in 782
which the pilot project scholarship program is operating under 783
sections 3313.974 to 3313.979 of the Revised Code and the 784
student satisfies one of the conditions in division (A), (B), 785
(C), (D), or (E) of this section: 786

(A) (1) The student is enrolled in a school building 787
operated by the student's resident district that, on the report 788
card issued under section 3302.03 of the Revised Code published 789
prior to the first day of July of the school year for which a 790
scholarship is sought, did not receive a rating as described in 791
division ~~(H)~~ (I) of this section, and to which any or a 792
combination of any of the following apply for two of the three 793
most recent report cards published prior to the first day of 794
July of the school year for which a scholarship is sought: 795

(a) The building was declared to be in a state of academic 796
emergency or academic watch under section 3302.03 of the Revised 797
Code as that section existed prior to March 22, 2013. 798

(b) The building received a grade of "D" or "F" for the 799
performance index score under division (A) (1) (b) or (B) (1) (b) of 800
section 3302.03 of the Revised Code and for the value-added 801
progress dimension under division (A) (1) (e) or (B) (1) (e) of 802
section 3302.03 of the Revised Code for the 2012-2013, 2013- 803
2014, 2014-2015, or 2015-2016 school year; or if the building 804
serves only grades ten through twelve, the building received a 805
grade of "D" or "F" for the performance index score under 806
division (A) (1) (b) or (B) (1) (b) of section 3302.03 of the 807
Revised Code and had a four-year adjusted cohort graduation rate 808
of less than seventy-five per cent. 809

(c) The building received an overall grade of "D" or "F" 810
under division (C) (3) of section 3302.03 of the Revised Code or 811
a grade of "F" for the value-added progress dimension under 812
division (C) (1) (e) of section 3302.03 of the Revised Code for 813
the 2016-2017 school year or any school year thereafter. 814

(2) The student will be enrolling in any of grades 815
kindergarten through twelve in this state for the first time in 816
the school year for which a scholarship is sought, will be at 817
least five years of age by the first day of January of the 818
school year for which a scholarship is sought, and otherwise 819
would be assigned under section 3319.01 of the Revised Code in 820
the school year for which a scholarship is sought, to a school 821
building described in division (A) (1) of this section. 822

(3) The student is enrolled in a community school 823
established under Chapter 3314. of the Revised Code but 824
otherwise would be assigned under section 3319.01 of the Revised 825
Code to a building described in division (A) (1) of this section. 826

(4) The student is enrolled in a school building operated 827
by the student's resident district or in a community school 828
established under Chapter 3314. of the Revised Code and 829
otherwise would be assigned under section 3319.01 of the Revised 830
Code to a school building described in division (A) (1) of this 831
section in the school year for which the scholarship is sought. 832

(5) The student will be both enrolling in any of grades 833
kindergarten through twelve in this state for the first time and 834
at least five years of age by the first day of January of the 835
school year for which a scholarship is sought, or is enrolled in 836
a community school established under Chapter 3314. of the 837
Revised Code, and all of the following apply to the student's 838
resident district: 839

(a) The district has in force an intradistrict open 840
enrollment policy under which no student in the student's grade 841
level is automatically assigned to a particular school building; 842

(b) In the most recent rating published prior to the first 843
day of July of the school year for which scholarship is sought, 844
the district did not receive a rating described in division ~~(H)~~ 845
(I) of this section, and in at least two of the three most 846
recent report cards published prior to the first day of July of 847
that school year, any or a combination of the following apply to 848
the district: 849

(i) The district was declared to be in a state of academic 850
emergency under section 3302.03 of the Revised Code as it 851
existed prior to March 22, 2013. 852

(ii) The district received a grade of "D" or "F" for the 853
performance index score under division (A) (1) (b) or (B) (1) (b) of 854
section 3302.03 of the Revised Code and for the value-added 855
progress dimension under division (A) (1) (e) or (B) (1) (e) of 856
section 3302.03 of the Revised Code for the 2012-2013, 2013- 857
2014, 2014-2015, or 2015-2016 school year. 858

(c) The district received an overall grade of "D" or "F" 859
under division (C) (3) of section 3302.03 of the Revised Code or 860
a grade of "F" for the value-added progress dimension under 861
division (C) (1) (e) of section 3302.03 of the Revised Code for 862
the 2016-2017 school year or any school year thereafter. 863

(6) Beginning in the 2016-2017 school year, the student is 864
enrolled in or will be enrolling in a building in the school 865
year for which the scholarship is sought that serves any of 866
grades nine through twelve and that received a grade of "D" or 867
"F" for the four-year adjusted cohort graduation rate under 868

division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of section 3302.03 869
of the Revised Code in two of the three most recent report cards 870
published prior to the first day of July of the school year for 871
which a scholarship is sought. 872

(B) (1) The student is enrolled in a school building 873
operated by the student's resident district and to which both of 874
the following apply: 875

(a) The building was ranked, for at least two of the three 876
most recent rankings prior to the first day of July of the 877
school year for which a scholarship is sought, in the lowest ten 878
per cent of all buildings operated by city, local, and exempted 879
village school districts according to performance index score as 880
determined by the department of education. 881

(b) The building was not declared to be excellent or 882
effective, or the equivalent of such ratings as determined by 883
the department, under section 3302.03 of the Revised Code in the 884
most recent rating published prior to the first day of July of 885
the school year for which a scholarship is sought. 886

(2) The student will be enrolling in any of grades 887
kindergarten through twelve in this state for the first time in 888
the school year for which a scholarship is sought, will be at 889
least five years of age, as defined in section 3321.01 of the 890
Revised Code, by the first day of January of the school year for 891
which a scholarship is sought, and otherwise would be assigned 892
under section 3319.01 of the Revised Code in the school year for 893
which a scholarship is sought, to a school building described in 894
division (B) (1) of this section. 895

(3) The student is enrolled in a community school 896
established under Chapter 3314. of the Revised Code but 897

otherwise would be assigned under section 3319.01 of the Revised Code to a building described in division (B)(1) of this section.

(4) The student is enrolled in a school building operated by the student's resident district or in a community school established under Chapter 3314. of the Revised Code and otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (B)(1) of this section in the school year for which the scholarship is sought.

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

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

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

(2) The building did not receive a grade of "A" for making progress in improving literacy in grades kindergarten through three under division (B)(1)(g) or (C)(1)(g) of section 3302.03

of the Revised Code in the most recent rating published prior to 927
the first day of July of the school year for which a scholarship 928
is sought. 929

(E) The student's resident district is subject to former 930
section 3302.10 of the Revised Code as it existed prior to the 931
effective date of this amendment and the student either: 932

(1) Is enrolled in a school building operated by the 933
resident district or in a community school established under 934
Chapter 3314. of the Revised Code; 935

(2) Will be both enrolling in any of grades kindergarten 936
through twelve in this state for the first time and at least 937
five years of age by the first day of January of the school year 938
for which a scholarship is sought. 939

(F) A student who receives a scholarship under the 940
educational choice scholarship pilot program remains an eligible 941
student and may continue to receive scholarships in subsequent 942
school years until the student completes grade twelve, so long 943
as all of the following apply: 944

(1) The student's resident district remains the same, or 945
the student transfers to a new resident district and otherwise 946
would be assigned in the new resident district to a school 947
building described in division (A) (1), (B) (1), (D), or (E) of 948
this section. 949

(2) Except as provided in divisions (K) (1) and (L) of 950
section 3301.0711 of the Revised Code, the student takes each 951
assessment prescribed for the student's grade level under 952
section 3301.0710 or 3301.0712 of the Revised Code while 953
enrolled in a chartered nonpublic school. 954

(3) In each school year that the student is enrolled in a 955

chartered nonpublic school, the student is absent from school 956
for not more than twenty days that the school is open for 957
instruction, not including excused absences. 958

(G) (1) The department shall cease awarding first-time 959
scholarships pursuant to divisions (A) (1) to (4) of this section 960
with respect to a school building that, in the most recent 961
ratings of school buildings published under section 3302.03 of 962
the Revised Code prior to the first day of July of the school 963
year, ceases to meet the criteria in division (A) (1) of this 964
section. The department shall cease awarding first-time 965
scholarships pursuant to division (A) (5) of this section with 966
respect to a school district that, in the most recent ratings of 967
school districts published under section 3302.03 of the Revised 968
Code prior to the first day of July of the school year, ceases 969
to meet the criteria in division (A) (5) of this section. 970

(2) The department shall cease awarding first-time 971
scholarships pursuant to divisions (B) (1) to (4) of this section 972
with respect to a school building that, in the most recent 973
ratings of school buildings under section 3302.03 of the Revised 974
Code prior to the first day of July of the school year, ceases 975
to meet the criteria in division (B) (1) of this section. 976

(3) The department shall cease awarding first-time 977
scholarships pursuant to division (D) of this section with 978
respect to a school building that, in the most recent ratings of 979
school buildings under section 3302.03 of the Revised Code prior 980
to the first day of July of the school year, ceases to meet the 981
criteria in division (D) of this section. 982

~~(4) The department shall cease awarding first-time 983
scholarships pursuant to division (E) of this section with 984
respect to a school district subject to section 3302.10 of the 985~~

Revised Code when the academic distress commission established	986
for the district ceases to exist.	987
(5) However, students who have received scholarships in	988
the prior school year remain eligible students pursuant to	989
division (F) of this section.	990
(H) The state board of education shall adopt rules	991
defining excused absences for purposes of division (F) (3) of	992
this section.	993
(I) (1) A student who satisfies only the conditions	994
prescribed in divisions (A) (1) to (4) of this section shall not	995
be eligible for a scholarship if the student's resident building	996
meets any of the following in the most recent rating under	997
section 3302.03 of the Revised Code published prior to the first	998
day of July of the school year for which a scholarship is	999
sought:	1000
(a) The building has an overall designation of excellent	1001
or effective under section 3302.03 of the Revised Code as it	1002
existed prior to March 22, 2013.	1003
(b) For the 2012-2013, 2013-2014, 2014-2015, or 2015-2016	1004
school year, the building has a grade of "A" or "B" for the	1005
performance index score under division (A) (1) (b) or (B) (1) (b) of	1006
section 3302.03 of the Revised Code and for the value-added	1007
progress dimension under division (A) (1) (e) or (B) (1) (e) of	1008
section 3302.03 of the Revised Code; or if the building serves	1009
only grades ten through twelve, the building received a grade of	1010
"A" or "B" for the performance index score under division (A) (1)	1011
(b) or (B) (1) (b) of section 3302.03 of the Revised Code and had	1012
a four-year adjusted cohort graduation rate of greater than or	1013
equal to seventy-five per cent.	1014

(c) For the 2016-2017 school year or any school year 1015
thereafter, the building has a grade of "A" or "B" under 1016
division (C) (3) of section 3302.03 of the Revised Code and a 1017
grade of "A" for the value-added progress dimension under 1018
division (C) (1) (e) of section 3302.03 of the Revised Code; or if 1019
the building serves only grades ten through twelve, the building 1020
received a grade of "A" or "B" for the performance index score 1021
under division (C) (1) (b) of section 3302.03 of the Revised Code 1022
and had a four-year adjusted cohort graduation rate of greater 1023
than or equal to seventy-five per cent. 1024

(2) A student who satisfies only the conditions prescribed 1025
in division (A) (5) of this section shall not be eligible for a 1026
scholarship if the student's resident district meets any of the 1027
following in the most recent rating under section 3302.03 of the 1028
Revised Code published prior to the first day of July of the 1029
school year for which a scholarship is sought: 1030

(a) The district has an overall designation of excellent 1031
or effective under section 3302.03 of the Revised Code as it 1032
existed prior to March 22, 2013. 1033

(b) The district has a grade of "A" or "B" for the 1034
performance index score under division (A) (1) (b) or (B) (1) (b) of 1035
section 3302.03 of the Revised Code and for the value-added 1036
progress dimension under division (A) (1) (e) or (B) (1) (e) of 1037
section 3302.03 of the Revised Code for the 2012-2013, 2013- 1038
2014, 2014-2015, and 2015-2016 school years. 1039

(c) The district has an overall grade of "A" or "B" under 1040
division (C) (3) of section 3302.03 of the Revised Code and a 1041
grade of "A" for the value-added progress dimension under 1042
division (C) (1) (e) of section 3302.03 of the Revised Code for 1043
the 2016-2017 school year or any school year thereafter. 1044

Sec. 3311.29. (A) Except as provided under division (B), 1045
(C), or (D) of this section, no school district shall be created 1046
and no school district shall exist which does not maintain 1047
within such district public schools consisting of grades 1048
kindergarten through twelve and any such existing school 1049
district not maintaining such schools shall be dissolved and its 1050
territory joined with another school district or districts by 1051
order of the state board of education if no agreement is made 1052
among the surrounding districts voluntarily, which order shall 1053
provide an equitable division of the funds, property, and 1054
indebtedness of the dissolved school district among the 1055
districts receiving its territory. The state board of education 1056
may authorize exceptions to school districts where topography, 1057
sparsity of population, and other factors make compliance 1058
impracticable. 1059

The superintendent of public instruction is without 1060
authority to distribute funds under Chapter 3317. of the Revised 1061
Code to any school district that does not maintain schools with 1062
grades kindergarten through twelve and to which no exception has 1063
been granted by the state board of education. 1064

(B) Division (A) of this section does not apply to any 1065
joint vocational school district or any cooperative education 1066
school district established pursuant to divisions (A) to (C) of 1067
section 3311.52 of the Revised Code. 1068

(C) (1) (a) Except as provided in division (C) (3) of this 1069
section, division (A) of this section does not apply to any 1070
cooperative education school district established pursuant to 1071
section 3311.521 of the Revised Code nor to the city, exempted 1072
village, or local school districts that have territory within 1073
such a cooperative education district. 1074

(b) The cooperative district and each city, exempted village, or local district with territory within the cooperative district shall maintain the grades that the resolution adopted or amended pursuant to section 3311.521 of the Revised Code specifies.

(2) Any cooperative education school district described under division (C)(1) of this section that fails to maintain the grades it is specified to operate shall be dissolved by order of the state board of education unless prior to such an order the cooperative district is dissolved pursuant to section 3311.54 of the Revised Code. Any such order shall provide for the equitable adjustment, division, and disposition of the assets, property, debts, and obligations of the district among each city, local, and exempted village school district whose territory is in the cooperative district and shall provide that the tax duplicate of each city, local, and exempted village school district whose territory is in the cooperative district shall be bound for and assume its share of the outstanding indebtedness of the cooperative district.

(3) If any city, exempted village, or local school district described under division (C)(1) of this section fails to maintain the grades it is specified to operate the cooperative district within which it has territory shall be dissolved in accordance with division (C)(2) of this section and upon that dissolution any city, exempted village, or local district failing to maintain grades kindergarten through twelve shall be subject to the provisions for dissolution in division (A) of this section.

(D) Division (A) of this section does not apply to any school district that is or has ever been subject to former

section 3302.10 of the Revised Code, as it ~~exists on and after~~ 1105
~~the effective date of this amendment~~ existed prior to the 1106
effective date of this amendment, and has had a majority of its 1107
schools reconstituted or closed under that section. 1108

Sec. 3314.102. (A) As used in this section:— 1109

~~(1) "Chief executive officer" means a chief executive~~ 1110
~~officer appointed by an academic distress commission pursuant to~~ 1111
~~section 3302.10 of the Revised Code.~~ 1112

~~(2) "Municipal, "municipal school district" and "mayor"~~ 1113
have the same meanings as in section 3311.71 of the Revised 1114
Code. 1115

(B) Notwithstanding section 3314.10 and sections 4117.03 1116
to 4117.18 of the Revised Code and Section 4 of Amended 1117
Substitute Senate Bill No. 133 of the 115th general assembly, 1118
the employees of a conversion community school that is sponsored 1119
by the board of education of a municipal school district ~~or a~~ 1120
~~school district for which an academic distress commission has~~ 1121
~~been established under section 3302.10 of the Revised Code~~ shall 1122
cease to be subject to any future collective bargaining 1123
agreement, if the mayor ~~or chief executive officer~~ submits to 1124
the board of education sponsoring the school and to the state 1125
employment relations board a statement requesting that all 1126
employees of the community school be removed from a collective 1127
bargaining unit. The employees of the community school who are 1128
covered by a collective bargaining agreement in effect on the 1129
date the mayor ~~or chief executive officer~~ submits the statement 1130
shall remain subject to that collective bargaining agreement 1131
until the collective bargaining agreement expires on its terms. 1132
Upon expiration of that collective bargaining agreement, the 1133
employees of that school are not subject to Chapter 4117. of the 1134

Revised Code and may not organize or collectively bargain 1135
pursuant to that chapter. 1136

Section 2. That existing sections 133.06, 3302.036, 1137
3302.042, 3302.12, 3302.17, 3310.03, 3311.29, and 3314.102 of 1138
the Revised Code are hereby repealed. 1139

Section 3. That sections 3302.10, 3302.101, 3302.102, and 1140
3302.11 of the Revised Code are hereby repealed. 1141

Section 4. That Sections 4, 5, and 6 of Am. Sub. H.B. 70 1142
of the 131st General Assembly are hereby repealed. 1143

Section 5. Any academic distress commission organized for 1144
a school district under former section 3302.10 of the Revised 1145
Code, as it existed prior to the effective date of this section, 1146
is hereby dissolved. The board of education of each district 1147
wherein an academic distress commission previously had been 1148
established shall reassume all the powers granted to it under 1149
the Revised Code. 1150

Section 6. Section 3302.036 of the Revised Code is 1151
presented in this act as a composite of the section as amended 1152
by both Am. Sub. H.B. 64 and Am. Sub. H.B. 70 of the 131st 1153
General Assembly. The General Assembly, applying the principle 1154
stated in division (B) of section 1.52 of the Revised Code that 1155
amendments are to be harmonized if reasonably capable of 1156
simultaneous operation, finds that the composite is the 1157
resulting version of the section in effect prior to the 1158
effective date of the section as presented in this act. 1159