As Introduced

133rd General Assembly
Regular Session
2019-2020

H. B. No. 154

Representatives Miller, J., Jones


A BILL

To amend sections 133.06, 3302.036, 3302.042, 3302.12, 3302.16, 3302.17, 3302.18, 3310.03, 3311.29, and 3314.102; to enact new section 3302.10; and to repeal sections 3302.10, 3302.101, 3302.102, and 3302.11 of the Revised Code; and to repeal Sections 4, 5, and 6 of Am. Sub. H.B. 70 of the 131st General Assembly to dissolve academic distress commissions and to instead require the creation of community learning centers for buildings in low-performing school districts.

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

Section 1. That sections 133.06, 3302.036, 3302.042, 3302.12, 3302.16, 3302.17, 3302.18, 3310.03, 3311.29, and 3314.102 be amended and new section 3302.10 of the Revised Code be enacted to read as follows:

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

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

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

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

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

(D) In calculating the net indebtedness of a school
district, none of the following shall be considered:

(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;

(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;

(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;

(4) Loans, evidenced by any securities, received under
sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code;

(5) Debt incurred under section 3313.374 of the Revised
Code;

(6) Debt incurred pursuant to division (B)(5) of section
3313.37 of the Revised Code to acquire computers and related
hardware;

(7) Debt incurred under section 3318.042 of the Revised
Code;

(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.

(E) A school district may become a special needs district as to certain securities as provided in division (E) of this section.

(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 and one-half per cent per year. The findings and certification of the superintendent shall be conclusive.

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

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

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

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

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

(a) School buildings or other necessary school facilities in the district have been wholly or partially destroyed, or condemned by a constituted public authority, or that such buildings or facilities are partially constructed, or so constructed or planned as to require additions and improvements to them before the buildings or facilities are usable for their intended purpose, or that corrections to permanent improvements are necessary to remove or prevent health or safety hazards.

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

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

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

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

(b) The resolution required by division (B) of section 133.18 of the Revised Code shall be certified to the county auditor and the board of elections at least one hundred days prior to the election;
(c) The county auditor shall advise and, not later than ninety-five days before the election, confirm that advice by certification to, the board of education of the information required by division (C) of section 133.18 of the Revised Code;

(d) The board of education shall then certify its resolution and the information required by division (D) of section 133.18 of the Revised Code to the board of elections not less than ninety days prior to the election.

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

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

If the board finds after receiving the report that the amount of money the district would spend on such installations, modifications, or remodeling is not likely to exceed the amount of money it would save in energy and resultant operational and maintenance costs over the ensuing fifteen years, the board may submit to the commission a copy of its findings and a request for approval to incur indebtedness to finance the making or modification of installations or the remodeling of buildings for the purpose of significantly reducing energy consumption.

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

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

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.

(2) The board of education may contract with a person
experienced in the implementation of student transportation to
produce a report that includes an analysis of and
recommendations for the use of alternative fuel vehicles by
school districts. The report shall include cost estimates
detailing the return on investment over the life of the
alternative fuel vehicles and environmental impact of
alternative fuel vehicles. The report also shall include
estimates of all costs associated with alternative fuel
transportation, including facility modifications and vehicle
purchase costs or conversion costs.

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

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

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

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
shall monitor the energy consumption and resultant operational
and maintenance costs of buildings in which installations or
modifications have been made or remodeling has been done
pursuant to that division. Except as provided in division (G)(4)
(b) of this section, the board shall maintain and annually
update a report in a form and manner prescribed by the
facilities construction commission documenting the reductions in
energy consumption and resultant operational and maintenance
cost savings attributable to such installations, modifications,
or remodeling. The resultant operational and maintenance cost
savings shall be certified by the school district treasurer. The
report shall be submitted annually to the commission.

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

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

(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 issued under this section that are dedicated for the payment of the school district portion of the project are first deposited into the school district's project construction fund.

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

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

(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) 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) 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
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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 2016-2017 school year 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 individual student score reports on such assessments administered in the 2014-2015, 2015-2016, or 2016-2017 school years shall be released, except to a student's school district or school or to the student or the student's parent or guardian.

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

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

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

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

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

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

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

(C) Not later than thirty days after receipt of a petition under division (B) of this section, the district treasurer shall verify the validity and sufficiency of the signatures on the petition and certify to the district board whether the petition contains the necessary number of valid signatures to require the board to implement the reform requested by the petitioners. If the treasurer certifies to the district board that the petition does not contain the necessary number of valid signatures, any person who signed the petition may file an appeal with the county auditor within ten days after the certification. Not later than thirty days after the filing of an appeal, the county auditor shall conduct an independent verification of the
validity and sufficiency of the signatures on the petition and certify to the district board whether the petition contains the necessary number of valid signatures to require the board to implement the requested reform. If the treasurer or county auditor certifies that the petition contains the necessary number of valid signatures, the district board shall notify the superintendent of public instruction and the state board of education of the certification.

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

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

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

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

(4) When all of the following have occurred:

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

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

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

(E) If the provisions of this section conflict in any way with the requirements of federal law, federal law shall prevail over the provisions of this section.

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

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

Sec. 3302.10. (A)(1) Any academic distress commission organized for a school district under former section 3302.10 of the Revised Code, as it existed prior to the effective date of the enactment of this new section, is hereby dissolved. The board of education of each district wherein an academic distress commission previously had been established shall reassume all of
the powers granted to it under the Revised Code.

(2) Each low-performing building operated by a school district for which an academic distress commission was created shall begin transitioning to a community learning center model under the mandatory process described in this section.

(B) Beginning July 1, 2019, each district board of education shall initiate the processes for each low-performing school building, as determined by the department of education, operated by the district as follows:

(1) For the first school year the building is designated low-performing, convene a group of community stakeholders to conduct a performance audit and review of the school and begin developing an improvement plan, as defined by division (F) of section 3302.17 of the Revised Code. The school also shall be encouraged to hire a resource coordinator, as described in division (A)(2) of section 3302.18 of the Revised Code.

(2) For the second consecutive year the building is designated low-performing, finalize the improvement plan prescribed in division (B)(1) of this section and hire a resource coordinator, as described in division (A)(2) of section 3302.18 of the Revised Code.

(3) For the third consecutive year the building is designated low-performing, use the finalized improvement plan prescribed in division (B)(2) of this section in the implementation of a community learning center model under the mandatory process described in this section.

(4) Voluntary implementation of a community learning center for a building that is no longer subject to division (B) (1) or (2) of this section shall be in accordance with the
(C) The school district board of education shall conduct a public information hearing at each school building to which this section applies to inform the community of the community learning center process prescribed by division (B)(3) of this section. The board may do all of the following with regard to the public information hearing:

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

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

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

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

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

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

In preparing for the public information hearing, the board shall ensure that information about the hearing is broadly distributed throughout the community.

The board may enter into an agreement with any civic engagement organization, community organization, or employee organization to support the implementation of the community learning center process.
The board shall conduct a follow-up hearing at least once annually until action is further taken under this section with respect to the school building or until the conditions described in division (B) of this section no longer apply to the school building.

(D) If a community learning center process is initiated under this section, the board shall use the group of community stakeholders, described in division (B) of this section, to create a school action team under section 3302.18 of the Revised Code. Within thirty days of selection, the school action team shall conduct its own performance audit of the school and review, with parental input, the needs of the school with regard to restructuring under section 3302.042 or 3302.12 of the Revised Code, or federal law.

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

(E) Upon completion of the audit and review process, the school action team shall present its findings at a public hearing that complies with the same specifications prescribed in division (C) of this section. After the school action team presents its findings at the public hearing, it shall either adopt the improvement plan prescribed under division (B)(2) of this section or create its own plan that designates appropriate interventions, which may be based on the recommendations developed by the department of education under division (G)(1)(a) of this section.

If there is a federally mandated school improvement planning process, the team shall coordinate its work with that plan.
The school action team shall approve the plan by a majority vote.

(F) Upon approval of the plan by the school action team, the plan shall be submitted to the district board of education.

The board shall evaluate the plan and adopt it in full or adopt portions of the plan. If the board does not adopt the plan in full, it shall provide a written explanation of why portions of the plan were rejected. The school action team shall then redevelop those portions of the plan in conjunction with the suggestions of the board and present those changes within thirty days.

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

(a) Develop appropriate interventions for a community learning center improvement plan that may be used by a school action team;

(b) Publish a menu of programs and services that may be offered by community learning centers. The information shall be posted on the department's web site. To compile this information, the department shall solicit input from resource coordinators of existing community learning centers.

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

(i) The building is a secondary school that is among the lowest achieving fifteen per cent of secondary schools statewide, as determined by the department.
(ii) The building is a secondary school with a graduation rate of sixty per cent or lower for three or more consecutive years.

(iii) 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 community stakeholders or 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.

(H) For purposes of this section, the state board of education shall adopt rules establishing the criteria for determining whether a school is a low-performing school.

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

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

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

(c) The school building that has received an overall grade of "F" under section 3302.03 of the Revised Code.

(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:

(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;

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

(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.

(d) Reopen the school as a conversion community school under Chapter 3314. of the Revised Code.
(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 3327.04 of the Revised Code for enrollment of students in the schools of that other district to the extent necessary to comply with the requirement of section 3311.29 of the Revised Code. Notwithstanding any provision of the Revised Code to the contrary, if the board enters into and maintains a contract under section 3327.04 of the Revised Code, the district shall not be considered to have failed to comply with the requirement of section 3311.29 of the Revised Code. If, however, the district board fails to or is unable to enter into or maintain such a contract, the state board of education shall take all necessary actions to dissolve the district as provided in division (A) of section 3311.29 of the Revised Code.

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

If the provisions of this section conflict in any way with the requirements of federal law, federal law shall prevail over the provisions of this section.
(D) If a school is restructured under this section, or section 3302.042 or 3302.10 of the Revised Code, or federal law, the school shall not be required to restructure again under state law for three consecutive years after the implementation of that prior restructuring.

Sec. 3302.16. (A)(1) As used in sections 3302.10, 3302.17, and 3302.18 of the Revised Code, "community learning center" means a school operated by a city, exempted village, or local school district or community school established under Chapter 3314. of the Revised Code that participates in a coordinated, community-based effort with community partners to provide comprehensive educational, developmental, family, and health services to students, families, and community members during school hours and hours in which school is not in session.

(2) For purposes of this section and sections 3302.10, 3302.17, and 3302.18 of the Revised Code, "community partner" means a provider to students, families, or community members of health care services, on-site resource coordinators, and any other services or programs determined appropriate by a school action team created under section 3302.18 of the Revised Code.

(B) Prior to providing health services to a student, a community learning center shall obtain the written consent of the student's parent, guardian, or custodian, if the student is less than eighteen years old, or the written consent of the student, if the student is at least eighteen years old.

(C) A community learning center and any employee, contractor, or volunteer of a community learning center shall, in accordance with all applicable state and federal laws, maintain the confidentiality of patient-identifying information obtained in the course of providing health services.
Sec. 3302.17. (A) Any school building operated by a city, exempted village, or local school district, or a community school established under Chapter 3314. of the Revised Code is eligible to that is not required to initiate a community learning center process under section 3302.10 of the Revised Code may initiate the community learning center process as prescribed by in accordance with this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

(D) The board or governing authority shall initiate the transition of the building to a community learning center if the results of the election held under division (C) of this section are as follows:

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

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

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

The school action team shall provide quarterly updates of its work in a public hearing that complies with the same specifications prescribed in division (B) of this section.
(F) Upon completion of the audit and review, the school action team shall present its findings at a public hearing that complies with the same specifications prescribed in division (B) of this section. After the school action team presents its findings at the public hearing, it shall create a community learning center improvement plan that designates appropriate interventions, which may be based on the recommendations developed by the department under division (H)(1)(b) of this section.

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

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

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

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

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

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

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

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

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

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

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

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

(i) The building is in improvement status as defined by
As Introduced

the "No Child Left Behind Act of 2001" or under an agreement 922
between the Ohio department of education and the United States 923
secretary of education.

(ii) The building is a secondary school that is among the 925
lowest achieving fifteen per cent of secondary schools 926
statewide, as determined by the department.

(iii) The building is a secondary school with a graduation 928
rate of sixty per cent or lower for three or more consecutive 929
years.

(iv) The building is a school that the department 931
determines is persistently low-performing.

(2) The department may do the following with respect to 933
this section:

(a) Provide assistance, facilitation, and training to 935
school action teams in the conducting of the audit required 936
under this section;

(b) Provide opportunities for members of school action 938
teams from different schools to share school improvement 939
strategies with parents, teachers, and other relevant 940
stakeholders in higher performing schools;

(c) Provide financial support in a school action team's 942
planning process and create a grant program to assist in the 943
implementation of a qualified community learning center plan.

(I) Notwithstanding any provision to the contrary in 945
Chapter 4117. of the Revised Code, the requirements of this 946
section prevail over any conflicting provisions of a collective 947
bargaining agreement entered into on or after the effective date 948
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. 3302.18. (A)(1) If a community learning center process is initiated under section 3302.10 or 3302.17 of the Revised Code for any school building operated by a city, exempted village, or local school district or a community school established under Chapter 3314. of the Revised Code, the district board of education or community school governing authority shall create a school action team for the school building. The team shall consist of twelve members, as follows:

(a) Seven individuals, consisting of parents or guardians of students enrolled in the school and members of the community who are not teachers or nonteaching employees, as elected by their peers;

(b) Five teachers and nonteaching employees who are assigned to the school building and are not parents or guardians of students enrolled in the school, as elected by their peers.

(2) To assist a school action team initiated under section 3302.10 or 3302.17 of the Revised Code, the district board, community school governing authority, or community partner shall select an individual who is employed by the district, school, or community partner to serve as the resource coordinator for the community learning center. The school action team shall make recommendations to the board, governing authority, or community partner on potential candidates. The resource coordinator shall not be considered a member of a school action team. The resource coordinator shall assist in the development and coordination of programs and services for the community learning center.
(B) All members of a school action team shall serve as voting members. Terms of office shall be for three years, and vacancies shall be filled in the same manner as the original appointment.

Members shall serve without compensation.

(C) In addition to the responsibilities listed in section 3302.17 of the Revised Code, the school action team shall do all of the following:

(1) Monitor and assist in the implementation of the school improvement plan, if adopted;

(2) Meet with candidates for principal and other administrative positions and make recommendations to the superintendent and board of education of the district or governing authority of the community school;

(3) Advise on school budgets;

(4) Establish ongoing mechanisms that engage students, parents, and community members in the school;

(5) Continue to collect feedback and information from parents using an annual survey;

(6) Develop and approve a written parent involvement policy that outlines the role of parents and guardians in the school;

(7) Monitor school progress on data related to academic achievement; attendance, suspensions, and expulsions; graduation rates; and reclassifications disaggregated by major racial and ethnic groups, limited English proficient students, economically disadvantaged students, and students with disabilities;
(8) Receive regular updates from the principal on policy matters affecting the school and provide advice on such matters;

(9) Meet regularly with parents and community members to discuss policy matters affecting the school.

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

(A)(1) The student is enrolled in a school building operated by the student's resident district that, on the report card issued under section 3302.03 of the Revised Code published prior to the first day of July of the school year for which a scholarship is sought, did not receive a rating as described in division (H)(I) of this section, and to which any or a combination of any of the following apply for 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:

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

(b) The building 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; or if the building...
serves only grades ten through twelve, the building 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 had a four-year adjusted cohort graduation rate
of less than seventy-five per cent.

(c) The building 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.

(2) The student 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, will be at
least five years of age by the first day of January of the
school year for which a scholarship is sought, and otherwise
would be assigned under section 3319.01 of the Revised Code in
the school year for which a scholarship is sought, to a school
building described in division (A)(1) of this section.

(3) The student is enrolled in a community school
established under Chapter 3314. of the Revised Code but
otherwise would be assigned under section 3319.01 of the Revised
Code to a building described in division (A)(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 (A)(1) of this
section in the school year for which the scholarship is sought.

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

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

(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 (I)
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-

(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
(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 operated by the student's resident district and to which both of the following apply:

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

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

(2) The student 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, will be at least five years of age, as defined in section 3321.01 of the Revised Code, by the first day of January of the school year for
which a scholarship is sought, and otherwise would be assigned under section 3319.01 of the Revised Code in the school year for which a scholarship is sought, to a school building described in division (B)(1) of this section.

(3) The student is enrolled in a community school established under Chapter 3314. of the Revised Code but 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 the first day of July of the school year for which a scholarship is sought.

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

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

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

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

(1) The student's resident district remains the same, or the student transfers to a new resident district and otherwise would be assigned in the new resident district to a school building described in division (A)(1), (B)(1), (D), or (E) of this section.
(2) Except as provided in divisions (K)(1) and (L) of section 3301.0711 of the Revised Code, the student takes each assessment prescribed for the student's grade level under section 3301.0710 or 3301.0712 of the Revised Code while enrolled in a chartered nonpublic school.

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

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

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

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

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

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

(H) The state board of education shall adopt rules defining excused absences for purposes of division (F)(3) of this section.

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

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

(b) For the 2012-2013, 2013-2014, 2014-2015, or 2015-2016 school year, the building has a grade of "A" or "B" 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; or if the building serves
only grades ten through twelve, the building received a grade of
"A" or "B" for the performance index score under division (A)(1)
(b) or (B)(1)(b) of section 3302.03 of the Revised Code and had
a four-year adjusted cohort graduation rate of greater than or
equal to seventy-five per cent.

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

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

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

(b) The district has a grade of "A" or "B" 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-

(c) The district has an overall grade of "A" or "B" under division (C)(3) of section 3302.03 of the Revised Code and a grade of "A" 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.

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

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

(B) Division (A) of this section does not apply to any joint vocational school district or any cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code.
(C)(1)(a) Except as provided in division (C)(3) of this section, division (A) of this section does not apply to any cooperative education school district established pursuant to section 3311.521 of the Revised Code nor to the city, exempted village, or local school districts that have territory within such a cooperative education district.

(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 existed on and after
the effective date of this amendment existed between October 15,
2015, and the effective date of this amendment, and has had a
majority of its schools reconstituted or closed under that
section.

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

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

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

(B) Notwithstanding section 3314.10 and sections 4117.03
to 4117.18 of the Revised Code and Section 4 of Amended
Substitute Senate Bill No. 133 of the 115th general assembly,
the employees of a conversion community school that is sponsored
by the board of education of a municipal school district or a
school district for which an academic distress commission has
been established under section 3302.10 of the Revised Code shall
cease to be subject to any future collective bargaining
agreement, if the mayor or chief executive officer submits to
the board of education sponsoring the school and to the state
employment relations board a statement requesting that all
employees of the community school be removed from a collective
bargaining unit. The employees of the community school who are
covered by a collective bargaining agreement in effect on the
date the mayor or chief executive officer submits the statement
shall remain subject to that collective bargaining agreement
until the collective bargaining agreement expires on its terms.
Upon expiration of that collective bargaining agreement, the
employees of that school are not subject to Chapter 4117. of the
Revised Code and may not organize or collectively bargain
pursuant to that chapter.

Section 2. That existing sections 133.06, 3302.036,
3302.042, 3302.12, 3302.16, 3302.17, 3302.18, 3310.03, 3311.29,
and 3314.102 of the Revised Code are hereby repealed.

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

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

Section 5. Section 3302.036 of the Revised Code is
presented in this act as a composite of the section as amended
by both Am. Sub. H.B. 64 and Am. Sub. H.B. 70 of the 131st
General Assembly. The General Assembly, applying the principle
stated in division (B) of section 1.52 of the Revised Code that
amendments are to be harmonized if reasonably capable of
simultaneous operation, finds that the composite is the
resulting version of the section in effect prior to the
effective date of the section as presented in this act.