

I\_133\_0935-2

133rd General Assembly  
Regular Session  
2019-2020

Sub. H. B. No. 154

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**A BILL**

To amend sections 133.06, 3302.036, 3302.042, 1  
3302.12, 3302.16, 3302.17, 3310.03, 3311.29, and 2  
3314.102; to enact new section 3302.10; and to 3  
repeal sections 3302.10, 3302.101, 3302.102, and 4  
3302.11 of the Revised Code; and to repeal 5  
Sections 4, 5, and 6 of Am. Sub. H.B. 70 of the 6  
131st General Assembly to dissolve academic 7  
distress commissions and to instead require 8  
improvement plans for certain low-performing 9  
school buildings. 10

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

**Section 1.** That sections 133.06, 3302.036, 3302.042, 11  
3302.12, 3302.16, 3302.17, 3310.03, 3311.29, and 3314.102 be 12  
amended and new section 3302.10 of the Revised Code be enacted 13  
to read as follows: 14

**Sec. 133.06.** (A) A school district shall not incur, 15  
without a vote of the electors, net indebtedness that exceeds an 16  
amount equal to one-tenth of one per cent of its tax valuation, 17  
except as provided in divisions (G) and (H) of this section and 18



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in division (D) of section 3313.372 of the Revised Code, or as 19  
prescribed in section 3318.052 or 3318.44 of the Revised Code, 20  
or as provided in division (J) of this section. 21

(B) Except as provided in divisions (E), (F), and (I) of 22  
this section, a school district shall not incur net indebtedness 23  
that exceeds an amount equal to nine per cent of its tax 24  
valuation. 25

(C) A school district shall not submit to a vote of the 26  
electors the question of the issuance of securities in an amount 27  
that will make the district's net indebtedness after the 28  
issuance of the securities exceed an amount equal to four per 29  
cent of its tax valuation, unless the superintendent of public 30  
instruction, acting under policies adopted by the state board of 31  
education, and the tax commissioner, acting under written 32  
policies of the commissioner, consent to the submission. A 33  
request for the consents shall be made at least one hundred 34  
twenty days prior to the election at which the question is to be 35  
submitted. 36

The superintendent of public instruction shall certify to 37  
the district the superintendent's and the tax commissioner's 38  
decisions within thirty days after receipt of the request for 39  
consents. 40

If the electors do not approve the issuance of securities 41  
at the election for which the superintendent of public 42  
instruction and tax commissioner consented to the submission of 43  
the question, the school district may submit the same question 44  
to the electors on the date that the next special election may 45  
be held under section 3501.01 of the Revised Code without 46  
submitting a new request for consent. If the school district 47  
seeks to submit the same question at any other subsequent 48

election, the district shall first submit a new request for 49  
consent in accordance with this division. 50

(D) In calculating the net indebtedness of a school 51  
district, none of the following shall be considered: 52

(1) Securities issued to acquire school buses and other 53  
equipment used in transporting pupils or issued pursuant to 54  
division (D) of section 133.10 of the Revised Code; 55

(2) Securities issued under division (F) of this section, 56  
under section 133.301 of the Revised Code, and, to the extent in 57  
excess of the limitation stated in division (B) of this section, 58  
under division (E) of this section; 59

(3) Indebtedness resulting from the dissolution of a joint 60  
vocational school district under section 3311.217 of the Revised 61  
Code, evidenced by outstanding securities of that joint 62  
vocational school district; 63

(4) Loans, evidenced by any securities, received under 64  
sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code; 65

(5) Debt incurred under section 3313.374 of the Revised 66  
Code; 67

(6) Debt incurred pursuant to division (B) (5) of section 68  
3313.37 of the Revised Code to acquire computers and related 69  
hardware; 70

(7) Debt incurred under section 3318.042 of the Revised 71  
Code; 72

(8) Debt incurred under section 5705.2112 or 5705.2113 of 73  
the Revised Code by the fiscal board of a qualifying partnership 74  
of which the school district is a participating school district. 75

(E) A school district may become a special needs district 76  
as to certain securities as provided in division (E) of this 77  
section. 78

(1) A board of education, by resolution, may declare its 79  
school district to be a special needs district by determining 80  
both of the following: 81

(a) The student population is not being adequately 82  
serviced by the existing permanent improvements of the district. 83

(b) The district cannot obtain sufficient funds by the 84  
issuance of securities within the limitation of division (B) of 85  
this section to provide additional or improved needed permanent 86  
improvements in time to meet the needs. 87

(2) The board of education shall certify a copy of that 88  
resolution to the superintendent of public instruction with a 89  
statistical report showing all of the following: 90

(a) The history of and a projection of the growth of the 91  
tax valuation; 92

(b) The projected needs; 93

(c) The estimated cost of permanent improvements proposed 94  
to meet such projected needs. 95

(3) The superintendent of public instruction shall certify 96  
the district as an approved special needs district if the 97  
superintendent finds both of the following: 98

(a) The district does not have available sufficient 99  
additional funds from state or federal sources to meet the 100  
projected needs. 101

(b) The projection of the potential average growth of tax 102

valuation during the next five years, according to the 103  
information certified to the superintendent and any other 104  
information the superintendent obtains, indicates a likelihood 105  
of potential average growth of tax valuation of the district 106  
during the next five years of an average of not less than one 107  
and one-half per cent per year. The findings and certification 108  
of the superintendent shall be conclusive. 109

(4) An approved special needs district may incur net 110  
indebtedness by the issuance of securities in accordance with 111  
the provisions of this chapter in an amount that does not exceed 112  
an amount equal to the greater of the following: 113

(a) Twelve per cent of the sum of its tax valuation plus 114  
an amount that is the product of multiplying that tax valuation 115  
by the percentage by which the tax valuation has increased over 116  
the tax valuation on the first day of the sixtieth month 117  
preceding the month in which its board determines to submit to 118  
the electors the question of issuing the proposed securities; 119

(b) Twelve per cent of the sum of its tax valuation plus 120  
an amount that is the product of multiplying that tax valuation 121  
by the percentage, determined by the superintendent of public 122  
instruction, by which that tax valuation is projected to 123  
increase during the next ten years. 124

(F) A school district may issue securities for emergency 125  
purposes, in a principal amount that does not exceed an amount 126  
equal to three per cent of its tax valuation, as provided in 127  
this division. 128

(1) A board of education, by resolution, may declare an 129  
emergency if it determines both of the following: 130

(a) School buildings or other necessary school facilities 131

in the district have been wholly or partially destroyed, or 132  
condemned by a constituted public authority, or that such 133  
buildings or facilities are partially constructed, or so 134  
constructed or planned as to require additions and improvements 135  
to them before the buildings or facilities are usable for their 136  
intended purpose, or that corrections to permanent improvements 137  
are necessary to remove or prevent health or safety hazards. 138

(b) Existing fiscal and net indebtedness limitations make 139  
adequate replacement, additions, or improvements impossible. 140

(2) Upon the declaration of an emergency, the board of 141  
education may, by resolution, submit to the electors of the 142  
district pursuant to section 133.18 of the Revised Code the 143  
question of issuing securities for the purpose of paying the 144  
cost, in excess of any insurance or condemnation proceeds 145  
received by the district, of permanent improvements to respond 146  
to the emergency need. 147

(3) The procedures for the election shall be as provided 148  
in section 133.18 of the Revised Code, except that: 149

(a) The form of the ballot shall describe the emergency 150  
existing, refer to this division as the authority under which 151  
the emergency is declared, and state that the amount of the 152  
proposed securities exceeds the limitations prescribed by 153  
division (B) of this section; 154

(b) The resolution required by division (B) of section 155  
133.18 of the Revised Code shall be certified to the county 156  
auditor and the board of elections at least one hundred days 157  
prior to the election; 158

(c) The county auditor shall advise and, not later than 159  
ninety-five days before the election, confirm that advice by 160

certification to, the board of education of the information 161  
required by division (C) of section 133.18 of the Revised Code; 162

(d) The board of education shall then certify its 163  
resolution and the information required by division (D) of 164  
section 133.18 of the Revised Code to the board of elections not 165  
less than ninety days prior to the election. 166

(4) Notwithstanding division (B) of section 133.21 of the 167  
Revised Code, the first principal payment of securities issued 168  
under this division may be set at any date not later than sixty 169  
months after the earliest possible principal payment otherwise 170  
provided for in that division. 171

(G) (1) The board of education may contract with an 172  
architect, professional engineer, or other person experienced in 173  
the design and implementation of energy conservation measures 174  
for an analysis and recommendations pertaining to installations, 175  
modifications of installations, or remodeling that would 176  
significantly reduce energy consumption in buildings owned by 177  
the district. The report shall include estimates of all costs of 178  
such installations, modifications, or remodeling, including 179  
costs of design, engineering, installation, maintenance, 180  
repairs, measurement and verification of energy savings, and 181  
debt service, forgone residual value of materials or equipment 182  
replaced by the energy conservation measure, as defined by the 183  
Ohio facilities construction commission, a baseline analysis of 184  
actual energy consumption data for the preceding three years 185  
with the utility baseline based on only the actual energy 186  
consumption data for the preceding twelve months, and estimates 187  
of the amounts by which energy consumption and resultant 188  
operational and maintenance costs, as defined by the commission, 189  
would be reduced. 190

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 221  
experienced in the implementation of student transportation to 222  
produce a report that includes an analysis of and 223  
recommendations for the use of alternative fuel vehicles by 224  
school districts. The report shall include cost estimates 225  
detailing the return on investment over the life of the 226  
alternative fuel vehicles and environmental impact of 227  
alternative fuel vehicles. The report also shall include 228  
estimates of all costs associated with alternative fuel 229  
transportation, including facility modifications and vehicle 230  
purchase costs or conversion costs. 231

If the board finds after receiving the report that the 232  
amount of money the district would spend on purchasing 233  
alternative fuel vehicles or vehicle conversion is not likely to 234  
exceed the amount of money it would save in fuel and resultant 235  
operational and maintenance costs over the ensuing five years, 236  
the board may submit to the commission a copy of its findings 237  
and a request for approval to incur indebtedness to finance the 238  
purchase of new alternative fuel vehicles or vehicle conversions 239  
for the purpose of reducing fuel costs. 240

The facilities construction commission, in consultation 241  
with the auditor of state, may deny a request under division (G) 242  
(2) of this section by the board of education of any school 243  
district that is in a state of fiscal watch pursuant to division 244  
(A) of section 3316.03 of the Revised Code, if it determines 245  
that the expenditure of funds is not in the best interest of the 246  
school district. 247

No district board of education of a school district that 248  
is in a state of fiscal emergency pursuant to division (B) of 249  
section 3316.03 of the Revised Code shall submit a request 250

without submitting evidence that the purchase or conversion of 251  
alternative fuel vehicles has been approved by the district's 252  
financial planning and supervision commission established under 253  
section 3316.05 of the Revised Code. 254

~~No board of education of a school district for which an 255  
academic distress commission has been established under section 256  
3302.10 of the Revised Code shall submit a request without first 257  
receiving approval to incur indebtedness from the district's 258  
academic distress commission established under that section, for 259  
so long as such commission continues to be required for the 260  
district. 261~~

(3) The facilities construction commission shall approve 262  
the board's request provided that the following conditions are 263  
satisfied: 264

(a) The commission determines that the board's findings 265  
are reasonable. 266

(b) The request for approval is complete. 267

(c) If the request was submitted under division (G)(1) of 268  
this section, the installations, modifications, or remodeling 269  
are consistent with any project to construct or acquire 270  
classroom facilities, or to reconstruct or make additions to 271  
existing classroom facilities under sections 3318.01 to 3318.20 272  
or sections 3318.40 to 3318.45 of the Revised Code. 273

Upon receipt of the commission's approval, the district 274  
may issue securities without a vote of the electors in a 275  
principal amount not to exceed nine-tenths of one per cent of 276  
its tax valuation for the purpose specified in division (G)(1) 277  
or (2) of this section, but the total net indebtedness of the 278  
district without a vote of the electors incurred under this and 279

all other sections of the Revised Code, except section 3318.052 280  
of the Revised Code, shall not exceed one per cent of the 281  
district's tax valuation. 282

(4) (a) So long as any securities issued under division (G) 283  
(1) of this section remain outstanding, the board of education 284  
shall monitor the energy consumption and resultant operational 285  
and maintenance costs of buildings in which installations or 286  
modifications have been made or remodeling has been done 287  
pursuant to that division. Except as provided in division (G) (4) 288  
(b) of this section, the board shall maintain and annually 289  
update a report in a form and manner prescribed by the 290  
facilities construction commission documenting the reductions in 291  
energy consumption and resultant operational and maintenance 292  
cost savings attributable to such installations, modifications, 293  
or remodeling. The resultant operational and maintenance cost 294  
savings shall be certified by the school district treasurer. The 295  
report shall be submitted annually to the commission. 296

(b) If the facilities construction commission verifies 297  
that the certified annual reports submitted to the commission by 298  
a board of education under division (G) (4) (a) of this section 299  
fulfill the guarantee required under division (B) of section 300  
3313.372 of the Revised Code for three consecutive years, the 301  
board of education shall no longer be subject to the annual 302  
reporting requirements of division (G) (4) (a) of this section. 303

(5) So long as any securities issued under division (G) (2) 304  
of this section remain outstanding, the board of education shall 305  
monitor the purchase of new alternative fuel vehicles or vehicle 306  
conversions pursuant to that division. The board shall maintain 307  
and annually update a report in a form and manner prescribed by 308  
the facilities construction commission documenting the purchase 309

of new alternative fuel vehicles or vehicle conversions, the 310  
associated environmental impact, and return on investment. The 311  
resultant fuel and operational and maintenance cost savings 312  
shall be certified by the school district treasurer. The report 313  
shall be submitted annually to the commission. 314

(H) With the consent of the superintendent of public 315  
instruction, a school district may incur without a vote of the 316  
electors net indebtedness that exceeds the amounts stated in 317  
divisions (A) and (G) of this section for the purpose of paying 318  
costs of permanent improvements, if and to the extent that both 319  
of the following conditions are satisfied: 320

(1) The fiscal officer of the school district estimates 321  
that receipts of the school district from payments made under or 322  
pursuant to agreements entered into pursuant to section 725.02, 323  
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 324  
5709.45, 5709.57, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, 325  
or 5709.82 of the Revised Code, or distributions under division 326  
(C) of section 5709.43 or division (B) of section 5709.47 of the 327  
Revised Code, or any combination thereof, are, after accounting 328  
for any appropriate coverage requirements, sufficient in time 329  
and amount, and are committed by the proceedings, to pay the 330  
debt charges on the securities issued to evidence that 331  
indebtedness and payable from those receipts, and the taxing 332  
authority of the district confirms the fiscal officer's 333  
estimate, which confirmation is approved by the superintendent 334  
of public instruction; 335

(2) The fiscal officer of the school district certifies, 336  
and the taxing authority of the district confirms, that the 337  
district, at the time of the certification and confirmation, 338  
reasonably expects to have sufficient revenue available for the 339

purpose of operating such permanent improvements for their 340  
intended purpose upon acquisition or completion thereof, and the 341  
superintendent of public instruction approves the taxing 342  
authority's confirmation. 343

The maximum maturity of securities issued under division 344  
(H) of this section shall be the lesser of twenty years or the 345  
maximum maturity calculated under section 133.20 of the Revised 346  
Code. 347

(I) A school district may incur net indebtedness by the 348  
issuance of securities in accordance with the provisions of this 349  
chapter in excess of the limit specified in division (B) or (C) 350  
of this section when necessary to raise the school district 351  
portion of the basic project cost and any additional funds 352  
necessary to participate in a project under Chapter 3318. of the 353  
Revised Code, including the cost of items designated by the 354  
facilities construction commission as required locally funded 355  
initiatives, the cost of other locally funded initiatives in an 356  
amount that does not exceed fifty per cent of the district's 357  
portion of the basic project cost, and the cost for site 358  
acquisition. The commission shall notify the superintendent of 359  
public instruction whenever a school district will exceed either 360  
limit pursuant to this division. 361

(J) A school district whose portion of the basic project 362  
cost of its classroom facilities project under sections 3318.01 363  
to 3318.20 of the Revised Code is greater than or equal to one 364  
hundred million dollars may incur without a vote of the electors 365  
net indebtedness in an amount up to two per cent of its tax 366  
valuation through the issuance of general obligation securities 367  
in order to generate all or part of the amount of its portion of 368  
the basic project cost if the controlling board has approved the 369

facilities construction commission's conditional approval of the 370  
project under section 3318.04 of the Revised Code. The school 371  
district board and the Ohio facilities construction commission 372  
shall include the dedication of the proceeds of such securities 373  
in the agreement entered into under section 3318.08 of the 374  
Revised Code. No state moneys shall be released for a project to 375  
which this section applies until the proceeds of any bonds 376  
issued under this section that are dedicated for the payment of 377  
the school district portion of the project are first deposited 378  
into the school district's project construction fund. 379

**Sec. 3302.036.** (A) Notwithstanding anything in the Revised 380  
Code to the contrary, the department of education shall not 381  
assign an overall letter grade under division (C) (3) of section 382  
3302.03 of the Revised Code for any school district or building 383  
for the 2014-2015, 2015-2016, ~~or~~ and 2016-2017 school years, 384  
may, at the discretion of the state board of education, not 385  
assign an individual grade to any component prescribed under 386  
division (C) (3) of section 3302.03 of the Revised Code, and 387  
shall not rank school districts, community schools established 388  
under Chapter 3314. of the Revised Code, or STEM schools 389  
established under Chapter 3326. of the Revised Code under 390  
section 3302.21 of the Revised Code for those school years. The 391  
report card ratings issued for the 2014-2015, 2015-2016, ~~or~~ and 392  
2016-2017 school years shall not be considered in determining 393  
whether a school district or a school is subject to sanctions or 394  
penalties. However, the report card ratings of any previous or 395  
subsequent years shall be considered in determining whether a 396  
school district or building is subject to sanctions or 397  
penalties. Accordingly, the report card ratings for the 2014- 398  
2015, 2015-2016, ~~or~~ and 2016-2017 school years shall have no 399  
effect in determining sanctions or penalties, but shall not 400

create a new starting point for determinations that are based on 401  
ratings over multiple years. 402

(B) The provisions from which a district or school is 403  
exempt under division (A) of this section shall be the 404  
following: 405

(1) Any restructuring provisions established under this 406  
chapter, except as required under the "No Child Left Behind Act 407  
of 2001"; 408

(2) Provisions for the Columbus city school pilot project 409  
under section 3302.042 of the Revised Code; 410

~~(3) Provisions for academic distress commissions under 411  
former section 3302.10 of the Revised Code as it existed prior 412  
to the effective date of this amendment. The provisions of this 413  
section do not apply to academic distress commissions under the 414  
version of that section as it exists on or after the effective 415  
date of this amendment. 416~~

~~(4) Provisions prescribing new buildings where students 417  
are eligible for the educational choice scholarships under 418  
section 3310.03 of the Revised Code; 419~~

~~(5) (4) Provisions defining "challenged school districts" 420  
in which new start-up community schools may be located, as 421  
prescribed in section 3314.02 of the Revised Code; 422~~

~~(6) (5) Provisions prescribing community school closure 423  
requirements under section 3314.35 or 3314.351 of the Revised 424  
Code. 425~~

(C) Notwithstanding anything in the Revised Code to the 426  
contrary and except as provided in Section 3 of H.B. 7 of the 427  
131st general assembly, no school district, community school, or 428

STEM school shall utilize at any time during a student's 429  
academic career a student's score on any assessment administered 430  
under division (A) of section 3301.0710 or division (B) (2) of 431  
section 3301.0712 of the Revised Code in the 2014-2015, 2015- 432  
2016, ~~or~~ and 2016-2017 school ~~year~~ years as a factor in any 433  
decision to promote or to deny the student promotion to a higher 434  
grade level or in any decision to grant course credit. No 435  
individual student score reports on such assessments 436  
administered in the 2014-2015, 2015-2016, or 2016-2017 school 437  
years shall be released, except to a student's school district 438  
or school or to the student or the student's parent or guardian. 439

**Sec. 3302.042.** (A) This section shall operate as a pilot 440  
project that applies to any school that has been ranked 441  
according to performance index score under section 3302.21 of 442  
the Revised Code in the lowest five per cent of all public 443  
school buildings statewide for three or more consecutive school 444  
years and is operated by the Columbus city school district. The 445  
pilot project shall commence once the department of education 446  
establishes implementation guidelines for the pilot project in 447  
consultation with the Columbus city school district. 448

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

and sufficiency of the petition is certified in accordance with 460  
division (C) of this section, the board shall implement the 461  
requested reform in the next school year: 462

(1) Reopen the school as a community school under Chapter 463  
3314. of the Revised Code; 464

(2) Replace at least seventy per cent of the school's 465  
personnel who are related to the school's poor academic 466  
performance or, at the request of the petitioners, retain not 467  
more than thirty per cent of the personnel; 468

(3) Contract with another school district or a nonprofit 469  
or for-profit entity with a demonstrated record of effectiveness 470  
to operate the school; 471

(4) Turn operation of the school over to the department; 472

(5) Any other major restructuring of the school that makes 473  
fundamental reforms in the school's staffing or governance. 474

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

necessary number of valid signatures to require the board to 489  
implement the requested reform. If the treasurer or county 490  
auditor certifies that the petition contains the necessary 491  
number of valid signatures, the district board shall notify the 492  
superintendent of public instruction and the state board of 493  
education of the certification. 494

(D) The district board shall not implement the reform 495  
requested by the petitioners in any of the following 496  
circumstances: 497

(1) The district board has determined that the request is 498  
for reasons other than improving student academic achievement or 499  
student safety. 500

(2) The state superintendent has determined that 501  
implementation of the requested reform would not comply with the 502  
model of differentiated accountability described in section 503  
3302.041 of the Revised Code. 504

(3) The petitioners have requested the district board to 505  
implement the reform described in division (B) (4) of this 506  
section and the department has not agreed to take over the 507  
school's operation. 508

(4) When all of the following have occurred: 509

(a) After a public hearing on the matter, the district 510  
board issued a written statement explaining the reasons that it 511  
is unable to implement the requested reform and agreeing to 512  
implement one of the other reforms described in division (B) of 513  
this section. 514

(b) The district board submitted its written statement to 515  
the state superintendent and the state board along with evidence 516  
showing how the alternative reform the district board has agreed 517

to implement will enable the school to improve its academic 518  
performance. 519

(c) Both the state superintendent and the state board have 520  
approved implementation of the alternative reform. 521

(E) If the provisions of this section conflict in any way 522  
with the requirements of federal law, federal law shall prevail 523  
over the provisions of this section. 524

(F) If a school is restructured under this section ~~7~~ or 525  
~~section 3302.10 or~~ 3302.12 of the Revised Code, or federal law, 526  
the school shall not be required to restructure again under 527  
state law for three consecutive years after the implementation 528  
of that prior restructuring. 529

(G) Beginning not later than six months after the first 530  
petition under this section has been resolved, the department of 531  
education shall annually evaluate the pilot program and submit a 532  
report to the general assembly under section 101.68 of the 533  
Revised Code. Such reports shall contain its recommendations to 534  
the general assembly with respect to the continuation of the 535  
pilot program, its expansion to other school districts, or the 536  
enactment of further legislation establishing the program 537  
statewide under permanent law. 538

Sec. 3302.10. (A) Any academic distress commission 539  
organized for a school district under former section 3302.10 of 540  
the Revised Code, as it existed prior to the effective date of 541  
this section, is hereby dissolved. The board of education of 542  
each district wherein an academic distress commission previously 543  
had been established shall reassume all of the powers granted to 544  
it under the Revised Code. 545

(B) (1) Beginning July 1, 2019, this section shall apply to 546

each building operated by a school district for which an 547  
academic distress commission had been established under former 548  
section 3302.10 of the Revised Code, as it existed prior to the 549  
effective date of this section, and which building also received 550  
an overall grade of "F" under division (C)(3) of section 3302.03 551  
of the Revised Code for the previous school year. Each building 552  
to which this division applies shall commence the procedure 553  
prescribed by division (C)(1) of this section. 554

(2) Beginning July 1, 2020, this section shall apply to 555  
any school building operated by a city, local, or exempted 556  
village school district which is not subject to division (B)(1) 557  
of this section and which building receives an overall grade of 558  
"F" under division (C)(3) of section 3302.03 of the Revised Code 559  
for the previous school year. Each building to which this 560  
division applies shall commence the procedure prescribed by 561  
division (C)(1) of this section. 562

(C)(1) For each school building, in the first year, to 563  
which this section applies, the superintendent of public 564  
instruction shall designate the building as "in need of 565  
improvement," and the district board shall establish a school 566  
improvement team for the building. Each team shall be comprised 567  
of administrators and teachers, and may include community 568  
stakeholders, with oversight from the district board. 569

The improvement team shall do the following: 570

(a) Conduct a performance audit that reviews the needs of 571  
students, parents, teachers, and administrators of the school 572  
building. As part of the performance audit, the improvement team 573  
shall convene a group of parents and community stakeholders from 574  
within the attendance zone of the building and seek input on 575  
student needs and school improvement strategies. 576

(b) Develop a school improvement plan based on a multi- 577  
tiered, evidence-based model. The plan may include measurable 578  
benchmarks for improvement in the following areas: 579

(i) Parent and family engagement; 580

(ii) Creating a culture of academic success among 581  
students; 582

(iii) Building a culture of student support among school 583  
faculty and staff; 584

(iv) Student attendance; 585

(v) Dismissal and exclusion rates; 586

(vi) Student safety and discipline; 587

(vii) Student promotion and dropout rates; 588

(viii) Graduation rates. 589

(c) Submit the improvement plan to the district board for 590  
approval not later than the final day of the school year in 591  
which the process described in division (C)(1) of this section 592  
began. The district board and the district superintendent shall 593  
review the plan and may change elements of the plan in 594  
consultation with the improvement team. Prior to approving the 595  
plan, the district board shall seek community feedback in one or 596  
more public hearings. 597

(d) An improvement team may request technical support from 598  
the department of education during development of the plan. 599

(e) An improvement team may recommend that the district 600  
board voluntarily initiate a community learning center model 601  
process for the building, as described in section 3302.17 of the 602  
Revised Code. 603

(2) If a school building receives an overall grade of "F" under division (C) (3) of section 3302.03 of the Revised Code for a second consecutive year, the building shall retain "in need of improvement status," and the district board and the improvement team shall begin implementing the improvement plan developed under division (C) (1) of this section. The improvement team shall monitor progress on the implementation of the improvement plan, with oversight from the district board. The improvement team may hire an academic coordinator or request technical support from the department during implementation of the plan. 604  
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(3) If a school building receives an overall grade of "F" under division (C) (3) of section 3302.03 of the Revised Code for a third consecutive year, the building shall retain "in need of improvement status," and the improvement team shall continue implementing the improvement plan, with oversight from the district board. The department of education may perform a mid-year and end-of-year review of the measurable benchmarks in the improvement plan and provide feedback to the improvement team, district board, and district superintendent. 614  
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(4) (a) If a school building receives an overall grade of "F" under division (C) (3) of section 3302.03 of the Revised Code for a fourth consecutive year, the building shall retain "in need of improvement status," and the improvement team shall continue implementing the improvement plan, with oversight from the district board. The state superintendent shall review the progress made under the school improvement plan and determine if the building may move out of "in need of improvement status." 623  
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(b) In determining whether a building shall move out of "in need of improvement status," the state superintendent shall review whether the school has made marked improvement under the 631  
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improvement plan in accordance with the criteria developed under 634  
division (C) (5) of this section. 635

(5) The state board of education shall adopt rules 636  
establishing criteria for the state superintendent to consider 637  
when determining whether a building may move out of "in need of 638  
improvement status." 639

(D) (1) Beginning July 1, 2019, the state superintendent, 640  
in conjunction with the state board, shall convene a meeting of 641  
stakeholders to determine the best method to support school 642  
buildings that fail to meet improvement benchmarks under the 643  
improvement plan developed under division (C) (1) of this section 644  
and prepare a report of the recommendations. 645

(2) The state superintendent shall submit this report to 646  
the standing committees of the house of representatives and 647  
senate that consider education legislation not later than 648  
January 1, 2020. 649

**Sec. 3302.12.** (A) (1) Except as provided in divisions (C) 650  
and (D) of this section, this section applies to a school 651  
building that is ranked according to performance index score 652  
under section 3302.21 of the Revised Code in the lowest five per 653  
cent of public school buildings statewide for three consecutive 654  
years and that meets any combination of the following for three 655  
consecutive years: 656

(a) The school building is declared to be under an 657  
academic watch or in a state of academic emergency under section 658  
3302.03 of the Revised Code; 659

(b) The school building that has received a grade of "F" 660  
for the value-added progress dimension under division (A) (1) (e), 661  
(B) (1) (e), or (C) (1) (e) of section 3302.03 of the Revised Code; 662

(c) The school building that has received an overall grade 663  
of "F" under section 3302.03 of the Revised Code. 664

(2) In the case of a building to which this section 665  
applies, the district board of education in control of that 666  
building shall do one of the following at the conclusion of the 667  
school year in which the building first becomes subject to this 668  
section: 669

(a) Close the school and direct the district 670  
superintendent to reassign the students enrolled in the school 671  
to other school buildings that demonstrate higher academic 672  
achievement; 673

(b) Contract with another school district or a nonprofit 674  
or for-profit entity with a demonstrated record of effectiveness 675  
to operate the school; 676

(c) Replace the principal and all teaching staff of the 677  
school and, upon request from the new principal, exempt the 678  
school from all requested policies and regulations of the board 679  
regarding curriculum and instruction. The board also shall 680  
distribute funding to the school in an amount that is at least 681  
equal to the product of the per pupil amount of state and local 682  
revenues received by the district multiplied by the student 683  
population of the school. 684

(d) Reopen the school as a conversion community school 685  
under Chapter 3314. of the Revised Code. 686

(B) If an action taken by the board under division (A) (2) 687  
of this section causes the district to no longer maintain all 688  
grades kindergarten through twelve, as required by section 689  
3311.29 of the Revised Code, the board shall enter into a 690  
contract with another school district pursuant to section 691

3327.04 of the Revised Code for enrollment of students in the 692  
schools of that other district to the extent necessary to comply 693  
with the requirement of section 3311.29 of the Revised Code. 694  
Notwithstanding any provision of the Revised Code to the 695  
contrary, if the board enters into and maintains a contract 696  
under section 3327.04 of the Revised Code, the district shall 697  
not be considered to have failed to comply with the requirement 698  
of section 3311.29 of the Revised Code. If, however, the 699  
district board fails to or is unable to enter into or maintain 700  
such a contract, the state board of education shall take all 701  
necessary actions to dissolve the district as provided in 702  
division (A) of section 3311.29 of the Revised Code. 703

(C) If a particular school is required to restructure 704  
under this section and a petition with respect to that same 705  
school has been filed and verified under divisions (B) and (C) 706  
of section 3302.042 of the Revised Code, the provisions of that 707  
section and the petition filed and verified under it shall 708  
prevail over the provisions of this section and the school shall 709  
be restructured under that section. However, if division (D) (1), 710  
(2), or (3) of section 3302.042 of the Revised Code also applies 711  
to the school, the school shall be subject to restructuring 712  
under this section and not section 3302.042 of the Revised Code. 713

If the provisions of this section conflict in any way with 714  
the requirements of federal law, federal law shall prevail over 715  
the provisions of this section. 716

(D) If a school is restructured under this section or 717  
section 3302.042 ~~or 3302.10~~ of the Revised Code, or federal law, 718  
the school shall not be required to restructure again under 719  
state law for three consecutive years after the implementation 720  
of that prior restructuring. 721

**Sec. 3302.16.** (A) (1) As used in sections 3302.10, 3302.17, 722  
and 3302.18 of the Revised Code, "community learning center" 723  
means a school operated by a city, exempted village, or local 724  
school district or community school established under Chapter 725  
3314. of the Revised Code that participates in a coordinated, 726  
community-based effort with community partners to provide 727  
comprehensive educational, developmental, family, and health 728  
services to students, families, and community members during 729  
school hours and hours in which school is not in session. 730

(2) For purposes of this section and sections 3302.10, 731  
3302.17, and 3302.18 of the Revised Code, "community partner" 732  
means a provider to students, families, or community members of 733  
health care services, on-site resource coordinators, and any 734  
other services or programs determined appropriate by a school 735  
action team created under section 3302.18 of the Revised Code. 736

(B) Prior to providing health services to a student, a 737  
community learning center shall obtain the written consent of 738  
the student's parent, guardian, or custodian, if the student is 739  
less than eighteen years old, or the written consent of the 740  
student, if the student is at least eighteen years old. 741

(C) A community learning center and any employee, 742  
contractor, or volunteer of a community learning center shall, 743  
in accordance with all applicable state and federal laws, 744  
maintain the confidentiality of patient-identifying information 745  
obtained in the course of providing health services. 746

**Sec. 3302.17.** (A) Any school building operated by a city, 747  
exempted village, or local school district, or a community 748  
school established under Chapter 3314. of the Revised Code is 749  
eligible to initiate the community learning center process as 750  
prescribed by this section. 751

(B) ~~Beginning with the 2015-2016 school year, each~~ Each 752  
district board of education or community school governing 753  
authority may initiate a community learning center process for 754  
any school building ~~to which this section applies~~ in the manner 755  
prescribed by this division. 756

First, the board or governing authority shall conduct a 757  
public information hearing at each school building to which this 758  
section applies to inform the community of the community 759  
learning center process. The board or governing authority may do 760  
all of the following with regard to the public information 761  
hearing: 762

(1) Announce the meeting not less than forty-five days in 763  
advance at the school and on the school's or district's web 764  
sites and using tools to ensure effective communication with 765  
individuals with disabilities; 766

(2) Schedule the meeting for an evening or weekend time; 767

(3) Provide interpretation services and written materials 768  
in all languages spoken by five per cent or more of the students 769  
enrolled in the school; 770

(4) Provide child care services for parents attending the 771  
meeting; 772

(5) Provide parents, students, teachers, nonteaching 773  
employees, and community members with the opportunity to speak 774  
at the meeting; 775

(6) Comply with section 149.43 of the Revised Code. 776

In preparing for the public information hearing, the board 777  
or governing authority shall ensure that information about the 778  
hearing is broadly distributed throughout the community. 779

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 809  
enrolled in a different building operated by a joint vocational 810  
school district but who are entitled to attend the school cast 811  
ballots by a date set by the board or governing authority, and 812  
of those ballots at least sixty-seven per cent are in favor of 813  
initiating the process; and 814

(2) At least fifty per cent of teachers and nonteaching 815  
employees who are assigned to the school cast ballots by a date 816  
set by the board or governing authority, and of those ballots at 817  
least sixty-seven per cent are in favor of initiating the 818  
process. 819

(E) If a community learning center process is initiated 820  
under this section, the board or governing authority shall 821  
create a school action team under section 3302.18 of the Revised 822  
Code. Within four months upon selection, the school action team 823  
shall conduct and complete, in consultation with community 824  
partners, a performance audit of the school and review, with 825  
parental input, the needs of the school with regard to 826  
restructuring under section ~~3302.10~~, ~~3302.12~~, or 3302.042 of the 827  
Revised Code, or federal law. 828

The school action team shall provide quarterly updates of 829  
its work in a public hearing that complies with the same 830  
specifications prescribed in division (B) of this section. 831

(F) Upon completion of the audit and review, the school 832  
action team shall present its findings at a public hearing that 833  
complies with the same specifications prescribed in division (B) 834  
of this section. After the school action team presents its 835  
findings at the public hearing, it shall create a community 836  
learning center improvement plan that designates appropriate 837  
interventions, which may be based on the recommendations 838

developed by the department under division (H) (1) (b) of this 839  
section. 840

If there is a federally mandated school improvement 841  
planning process, the team shall coordinate its work with that 842  
plan. 843

The school action team shall approve the plan by a 844  
majority vote. 845

(G) Upon approval of the plan by the school action team, 846  
the team shall submit the community learning center improvement 847  
plan to the same individuals described in division (C) of this 848  
section. Ballots shall be distributed and an election shall be 849  
conducted in the same manner as indicated under that division. 850

The school action team shall submit the plan to the 851  
district board of education or community school governing 852  
authority, if the results of the election under division (G) of 853  
this section are as follows: 854

(1) At least thirty per cent of parents and guardians of 855  
students enrolled in the eligible school building and students 856  
enrolled in a different building operated by a joint vocational 857  
school district but who are entitled to attend the school cast 858  
ballots by a date set by the board or governing authority, and 859  
of those ballots at least fifty per cent are in favor of 860  
initiating the process; and 861

(2) At least thirty per cent of teachers and nonteaching 862  
employees who are assigned to the school cast ballots by a date 863  
set by the board or governing authority, and of those ballots at 864  
least fifty per cent are in favor of initiating the process. 865

The board or governing authority shall evaluate the plan 866  
and determine whether to adopt it. The board or governing 867

authority shall adopt the plan in full or adopt portions of the 868  
plan. If the board or governing authority does not adopt the 869  
plan in full, it shall provide a written explanation of why 870  
portions of the plan were rejected. 871

(H) (1) The department shall do all of the following with 872  
respect to this section: 873

(a) Adopt rules regarding the elections required under 874  
this section; 875

(b) Develop appropriate interventions for a community 876  
learning center improvement plan that may be used by a school 877  
action team under division (F) of this section; 878

(c) Publish a menu of programs and services that may be 879  
offered by community learning centers. The information shall be 880  
posted on the department's web site. To compile this information 881  
the department shall solicit input from resource coordinators of 882  
existing community learning centers†. 883

(d) Provide information regarding implementation of 884  
comprehensive community-based programs and supportive services 885  
including the community learning center model to school 886  
buildings meeting any of the following conditions: 887

(i) The building is in improvement status as defined by 888  
the "No Child Left Behind Act of 2001" or under an agreement 889  
between the Ohio department of education and the United States 890  
secretary of education. 891

(ii) The building is a secondary school that is among the 892  
lowest achieving fifteen per cent of secondary schools 893  
statewide, as determined by the department. 894

(iii) The building is a secondary school with a graduation 895

rate of sixty per cent or lower for three or more consecutive 896  
years. 897

(iv) The building is a school that the department 898  
determines is persistently low-performing. 899

(2) The department may do the following with respect to 900  
this section: 901

(a) Provide assistance, facilitation, and training to 902  
school action teams in the conducting of the audit required 903  
under this section; 904

(b) Provide opportunities for members of school action 905  
teams from different schools to share school improvement 906  
strategies with parents, teachers, and other relevant 907  
stakeholders in higher performing schools; 908

(c) Provide financial support in a school action team's 909  
planning process and create a grant program to assist in the 910  
implementation of a qualified community learning center plan. 911

(I) Notwithstanding any provision to the contrary in 912  
Chapter 4117. of the Revised Code, the requirements of this 913  
section prevail over any conflicting provisions of a collective 914  
bargaining agreement entered into on or after ~~the effective date~~ 915  
~~of this section~~ October 15, 2015. However, the board or 916  
governing authority and the teachers' labor organization may 917  
negotiate additional factors to be considered in the adoption of 918  
a community learning center plan. 919

**Sec. 3310.03.** A student is an "eligible student" for 920  
purposes of the educational choice scholarship pilot program if 921  
the student's resident district is not a school district in 922  
which the pilot project scholarship program is operating under 923  
sections 3313.974 to 3313.979 of the Revised Code and the 924

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 955  
kindergarten through twelve in this state for the first time in 956  
the school year for which a scholarship is sought, will be at 957  
least five years of age by the first day of January of the 958  
school year for which a scholarship is sought, and otherwise 959  
would be assigned under section 3319.01 of the Revised Code in 960  
the school year for which a scholarship is sought, to a school 961  
building described in division (A)(1) of this section. 962

(3) The student is enrolled in a community school 963  
established under Chapter 3314. of the Revised Code but 964  
otherwise would be assigned under section 3319.01 of the Revised 965  
Code to a building described in division (A)(1) of this section. 966

(4) The student is enrolled in a school building operated 967  
by the student's resident district or in a community school 968  
established under Chapter 3314. of the Revised Code and 969  
otherwise would be assigned under section 3319.01 of the Revised 970  
Code to a school building described in division (A)(1) of this 971  
section in the school year for which the scholarship is sought. 972

(5) The student will be both enrolling in any of grades 973  
kindergarten through twelve in this state for the first time and 974  
at least five years of age by the first day of January of the 975  
school year for which a scholarship is sought, or is enrolled in 976  
a community school established under Chapter 3314. of the 977  
Revised Code, and all of the following apply to the student's 978  
resident district: 979

(a) The district has in force an intradistrict open 980  
enrollment policy under which no student in the student's grade 981  
level is automatically assigned to a particular school building; 982

(b) In the most recent rating published prior to the first 983

day of July of the school year for which scholarship is sought, 984  
the district did not receive a rating described in division ~~(H)~~ 985  
(I) of this section, and in at least two of the three most 986  
recent report cards published prior to the first day of July of 987  
that school year, any or a combination of the following apply to 988  
the district: 989

(i) The district was declared to be in a state of academic 990  
emergency under section 3302.03 of the Revised Code as it 991  
existed prior to March 22, 2013. 992

(ii) The district received a grade of "D" or "F" for the 993  
performance index score under division (A) (1) (b) or (B) (1) (b) of 994  
section 3302.03 of the Revised Code and for the value-added 995  
progress dimension under division (A) (1) (e) or (B) (1) (e) of 996  
section 3302.03 of the Revised Code for the 2012-2013, 2013- 997  
2014, 2014-2015, or 2015-2016 school year. 998

(c) The district received an overall grade of "D" or "F" 999  
under division (C) (3) of section 3302.03 of the Revised Code or 1000  
a grade of "F" for the value-added progress dimension under 1001  
division (C) (1) (e) of section 3302.03 of the Revised Code for 1002  
the 2016-2017 school year or any school year thereafter. 1003

(6) Beginning in the 2016-2017 school year, the student is 1004  
enrolled in or will be enrolling in a building in the school 1005  
year for which the scholarship is sought that serves any of 1006  
grades nine through twelve and that received a grade of "D" or 1007  
"F" for the four-year adjusted cohort graduation rate under 1008  
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of section 3302.03 1009  
of the Revised Code in two of the three most recent report cards 1010  
published prior to the first day of July of the school year for 1011  
which a scholarship is sought. 1012

(B) (1) The student is enrolled in a school building 1013  
operated by the student's resident district and to which both of 1014  
the following apply: 1015

(a) The building was ranked, for at least two of the three 1016  
most recent rankings prior to the first day of July of the 1017  
school year for which a scholarship is sought, in the lowest ten 1018  
per cent of all buildings operated by city, local, and exempted 1019  
village school districts according to performance index score as 1020  
determined by the department of education. 1021

(b) The building was not declared to be excellent or 1022  
effective, or the equivalent of such ratings as determined by 1023  
the department, under section 3302.03 of the Revised Code in the 1024  
most recent rating published prior to the first day of July of 1025  
the school year for which a scholarship is sought. 1026

(2) The student will be enrolling in any of grades 1027  
kindergarten through twelve in this state for the first time in 1028  
the school year for which a scholarship is sought, will be at 1029  
least five years of age, as defined in section 3321.01 of the 1030  
Revised Code, by the first day of January of the school year for 1031  
which a scholarship is sought, and otherwise would be assigned 1032  
under section 3319.01 of the Revised Code in the school year for 1033  
which a scholarship is sought, to a school building described in 1034  
division (B) (1) of this section. 1035

(3) The student is enrolled in a community school 1036  
established under Chapter 3314. of the Revised Code but 1037  
otherwise would be assigned under section 3319.01 of the Revised 1038  
Code to a building described in division (B) (1) of this section. 1039

(4) The student is enrolled in a school building operated 1040  
by the student's resident district or in a community school 1041

established under Chapter 3314. of the Revised Code and 1042  
otherwise would be assigned under section 3319.01 of the Revised 1043  
Code to a school building described in division (B) (1) of this 1044  
section in the school year for which the scholarship is sought. 1045

(C) The student is enrolled in a nonpublic school at the 1046  
time the school is granted a charter by the state board of 1047  
education under section 3301.16 of the Revised Code and the 1048  
student meets the standards of division (B) of section 3310.031 1049  
of the Revised Code. 1050

(D) For the 2016-2017 school year and each school year 1051  
thereafter, the student is in any of grades kindergarten through 1052  
three, is enrolled in a school building that is operated by the 1053  
student's resident district or will be enrolling in any of 1054  
grades kindergarten through twelve in this state for the first 1055  
time in the school year for which a scholarship is sought, and 1056  
to which both of the following apply: 1057

(1) The building, in at least two of the three most recent 1058  
ratings of school buildings published prior to the first day of 1059  
July of the school year for which a scholarship is sought, 1060  
received a grade of "D" or "F" for making progress in improving 1061  
literacy in grades kindergarten through three under division (B) 1062  
(1) (g) or (C) (1) (g) of section 3302.03 of the Revised Code; 1063

(2) The building did not receive a grade of "A" for making 1064  
progress in improving literacy in grades kindergarten through 1065  
three under division (B) (1) (g) or (C) (1) (g) of section 3302.03 1066  
of the Revised Code in the most recent rating published prior to 1067  
the first day of July of the school year for which a scholarship 1068  
is sought. 1069

(E) The student's resident district is subject to former 1070

section 3302.10 of the Revised Code as it existed prior to the 1071  
effective date of this amendment and the student either: 1072

(1) Is enrolled in a school building operated by the 1073  
resident district or in a community school established under 1074  
Chapter 3314. of the Revised Code; 1075

(2) Will be both enrolling in any of grades kindergarten 1076  
through twelve in this state for the first time and at least 1077  
five years of age by the first day of January of the school year 1078  
for which a scholarship is sought. 1079

(F) A student who receives a scholarship under the 1080  
educational choice scholarship pilot program remains an eligible 1081  
student and may continue to receive scholarships in subsequent 1082  
school years until the student completes grade twelve, so long 1083  
as all of the following apply: 1084

(1) The student's resident district remains the same, or 1085  
the student transfers to a new resident district and otherwise 1086  
would be assigned in the new resident district to a school 1087  
building described in division (A) (1), (B) (1), (D), or (E) of 1088  
this section. 1089

(2) Except as provided in divisions (K) (1) and (L) of 1090  
section 3301.0711 of the Revised Code, the student takes each 1091  
assessment prescribed for the student's grade level under 1092  
section 3301.0710 or 3301.0712 of the Revised Code while 1093  
enrolled in a chartered nonpublic school. 1094

(3) In each school year that the student is enrolled in a 1095  
chartered nonpublic school, the student is absent from school 1096  
for not more than twenty days that the school is open for 1097  
instruction, not including excused absences. 1098

(G) (1) The department shall cease awarding first-time 1099

scholarships pursuant to divisions (A) (1) to (4) of this section 1100  
with respect to a school building that, in the most recent 1101  
ratings of school buildings published under section 3302.03 of 1102  
the Revised Code prior to the first day of July of the school 1103  
year, ceases to meet the criteria in division (A) (1) of this 1104  
section. The department shall cease awarding first-time 1105  
scholarships pursuant to division (A) (5) of this section with 1106  
respect to a school district that, in the most recent ratings of 1107  
school districts published under section 3302.03 of the Revised 1108  
Code prior to the first day of July of the school year, ceases 1109  
to meet the criteria in division (A) (5) of this section. 1110

(2) The department shall cease awarding first-time 1111  
scholarships pursuant to divisions (B) (1) to (4) of this section 1112  
with respect to a school building that, in the most recent 1113  
ratings of school buildings under section 3302.03 of the Revised 1114  
Code prior to the first day of July of the school year, ceases 1115  
to meet the criteria in division (B) (1) of this section. 1116

(3) The department shall cease awarding first-time 1117  
scholarships pursuant to division (D) of this section with 1118  
respect to a school building that, in the most recent ratings of 1119  
school buildings under section 3302.03 of the Revised Code prior 1120  
to the first day of July of the school year, ceases to meet the 1121  
criteria in division (D) of this section. 1122

~~(4) The department shall cease awarding first-time 1123  
scholarships pursuant to division (E) of this section with 1124  
respect to a school district subject to section 3302.10 of the 1125  
Revised Code when the academic distress commission established 1126  
for the district ceases to exist. 1127~~

~~(5) However, students who have received scholarships in 1128  
the prior school year remain eligible students pursuant to 1129~~

division (F) of this section. 1130

(H) The state board of education shall adopt rules 1131  
defining excused absences for purposes of division (F) (3) of 1132  
this section. 1133

(I) (1) A student who satisfies only the conditions 1134  
prescribed in divisions (A) (1) to (4) of this section shall not 1135  
be eligible for a scholarship if the student's resident building 1136  
meets any of the following in the most recent rating under 1137  
section 3302.03 of the Revised Code published prior to the first 1138  
day of July of the school year for which a scholarship is 1139  
sought: 1140

(a) The building has an overall designation of excellent 1141  
or effective under section 3302.03 of the Revised Code as it 1142  
existed prior to March 22, 2013. 1143

(b) For the 2012-2013, 2013-2014, 2014-2015, or 2015-2016 1144  
school year, the building has a grade of "A" or "B" for the 1145  
performance index score under division (A) (1) (b) or (B) (1) (b) of 1146  
section 3302.03 of the Revised Code and for the value-added 1147  
progress dimension under division (A) (1) (e) or (B) (1) (e) of 1148  
section 3302.03 of the Revised Code; or if the building serves 1149  
only grades ten through twelve, the building received a grade of 1150  
"A" or "B" for the performance index score under division (A) (1) 1151  
(b) or (B) (1) (b) of section 3302.03 of the Revised Code and had 1152  
a four-year adjusted cohort graduation rate of greater than or 1153  
equal to seventy-five per cent. 1154

(c) For the 2016-2017 school year or any school year 1155  
thereafter, the building has a grade of "A" or "B" under 1156  
division (C) (3) of section 3302.03 of the Revised Code and a 1157  
grade of "A" for the value-added progress dimension under 1158

division (C) (1) (e) of section 3302.03 of the Revised Code; or if 1159  
the building serves only grades ten through twelve, the building 1160  
received a grade of "A" or "B" for the performance index score 1161  
under division (C) (1) (b) of section 3302.03 of the Revised Code 1162  
and had a four-year adjusted cohort graduation rate of greater 1163  
than or equal to seventy-five per cent. 1164

(2) A student who satisfies only the conditions prescribed 1165  
in division (A) (5) of this section shall not be eligible for a 1166  
scholarship if the student's resident district meets any of the 1167  
following in the most recent rating under section 3302.03 of the 1168  
Revised Code published prior to the first day of July of the 1169  
school year for which a scholarship is sought: 1170

(a) The district has an overall designation of excellent 1171  
or effective under section 3302.03 of the Revised Code as it 1172  
existed prior to March 22, 2013. 1173

(b) The district has a grade of "A" or "B" for the 1174  
performance index score under division (A) (1) (b) or (B) (1) (b) of 1175  
section 3302.03 of the Revised Code and for the value-added 1176  
progress dimension under division (A) (1) (e) or (B) (1) (e) of 1177  
section 3302.03 of the Revised Code for the 2012-2013, 2013- 1178  
2014, 2014-2015, and 2015-2016 school years. 1179

(c) The district has an overall grade of "A" or "B" under 1180  
division (C) (3) of section 3302.03 of the Revised Code and a 1181  
grade of "A" for the value-added progress dimension under 1182  
division (C) (1) (e) of section 3302.03 of the Revised Code for 1183  
the 2016-2017 school year or any school year thereafter. 1184

**Sec. 3311.29.** (A) Except as provided under division (B), 1185  
(C), or (D) of this section, no school district shall be created 1186  
and no school district shall exist which does not maintain 1187

within such district public schools consisting of grades 1188  
kindergarten through twelve and any such existing school 1189  
district not maintaining such schools shall be dissolved and its 1190  
territory joined with another school district or districts by 1191  
order of the state board of education if no agreement is made 1192  
among the surrounding districts voluntarily, which order shall 1193  
provide an equitable division of the funds, property, and 1194  
indebtedness of the dissolved school district among the 1195  
districts receiving its territory. The state board of education 1196  
may authorize exceptions to school districts where topography, 1197  
sparsity of population, and other factors make compliance 1198  
impracticable. 1199

The superintendent of public instruction is without 1200  
authority to distribute funds under Chapter 3317. of the Revised 1201  
Code to any school district that does not maintain schools with 1202  
grades kindergarten through twelve and to which no exception has 1203  
been granted by the state board of education. 1204

(B) Division (A) of this section does not apply to any 1205  
joint vocational school district or any cooperative education 1206  
school district established pursuant to divisions (A) to (C) of 1207  
section 3311.52 of the Revised Code. 1208

(C) (1) (a) Except as provided in division (C) (3) of this 1209  
section, division (A) of this section does not apply to any 1210  
cooperative education school district established pursuant to 1211  
section 3311.521 of the Revised Code nor to the city, exempted 1212  
village, or local school districts that have territory within 1213  
such a cooperative education district. 1214

(b) The cooperative district and each city, exempted 1215  
village, or local district with territory within the cooperative 1216  
district shall maintain the grades that the resolution adopted 1217

or amended pursuant to section 3311.521 of the Revised Code 1218  
specifies. 1219

(2) Any cooperative education school district described 1220  
under division (C)(1) of this section that fails to maintain the 1221  
grades it is specified to operate shall be dissolved by order of 1222  
the state board of education unless prior to such an order the 1223  
cooperative district is dissolved pursuant to section 3311.54 of 1224  
the Revised Code. Any such order shall provide for the equitable 1225  
adjustment, division, and disposition of the assets, property, 1226  
debts, and obligations of the district among each city, local, 1227  
and exempted village school district whose territory is in the 1228  
cooperative district and shall provide that the tax duplicate of 1229  
each city, local, and exempted village school district whose 1230  
territory is in the cooperative district shall be bound for and 1231  
assume its share of the outstanding indebtedness of the 1232  
cooperative district. 1233

(3) If any city, exempted village, or local school 1234  
district described under division (C)(1) of this section fails 1235  
to maintain the grades it is specified to operate the 1236  
cooperative district within which it has territory shall be 1237  
dissolved in accordance with division (C)(2) of this section and 1238  
upon that dissolution any city, exempted village, or local 1239  
district failing to maintain grades kindergarten through twelve 1240  
shall be subject to the provisions for dissolution in division 1241  
(A) of this section. 1242

(D) Division (A) of this section does not apply to any 1243  
school district that is or has ever been subject to former 1244  
section 3302.10 of the Revised Code, as it ~~exists on and after~~ 1245  
~~the effective date of this amendment~~ existed prior to the 1246  
effective date of this amendment, and has had a majority of its 1247

schools reconstituted or closed under that section. 1248

**Sec. 3314.102.** (A) As used in this section:— 1249

~~(1) "Chief executive officer" means a chief executive officer appointed by an academic distress commission pursuant to section 3302.10 of the Revised Code.~~ 1250  
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~~(2) "Municipal," "municipal school district" and "mayor" have the same meanings as in section 3311.71 of the Revised Code.~~ 1253  
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(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. 1256  
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**Section 2.** That existing sections 133.06, 3302.036, 1277  
3302.042, 3302.12, 3302.16, 3302.17, 3310.03, 3311.29, and 1278  
3314.102 of the Revised Code are hereby repealed. 1279

**Section 3.** That sections 3302.10, 3302.101, 3302.102, and 1280  
3302.11 of the Revised Code are hereby repealed. 1281

**Section 4.** That Sections 4, 5, and 6 of Am. Sub. H.B. 70 1282  
of the 131st General Assembly are hereby repealed. 1283

**Section 5.** Section 3302.036 of the Revised Code is 1284  
presented in this act as a composite of the section as amended 1285  
by both Am. Sub. H.B. 64 and Am. Sub. H.B. 70 of the 131st 1286  
General Assembly. The General Assembly, applying the principle 1287  
stated in division (B) of section 1.52 of the Revised Code that 1288  
amendments are to be harmonized if reasonably capable of 1289  
simultaneous operation, finds that the composite is the 1290  
resulting version of the section in effect prior to the 1291  
effective date of the section as presented in this act. 1292