

As Concurred by the House

131st General Assembly

Regular Session

2015-2016

Am. Sub. H. B. No. 70

Representatives Driehaus, Brenner

**Cosponsors: Representatives Henne, Strahorn, Blessing, Curtin, Smith, R.,
Amstutz, Anielski, Baker, Barnes, Butler, Derickson, Green, Grossman, Hackett,
Hambley, Hayes, Huffman, Johnson, T., Kunze, LaTourette, McClain, Perales,
Ruhl, Schaffer, Scherer, Slaby, Slesnick, Terhar, Young, Speaker Rosenberger
Senators Hite, Coley**

A BILL

To amend sections 133.06, 3302.01, 3302.036, 1
3302.04, 3310.02, 3310.03, 3310.032, 3310.035, 2
3311.29, and 3314.102; to enact new section 3
3302.10 and sections 3302.11, 3302.16, 3302.17, 4
and 3302.18; and to repeal section 3302.10 of 5
the Revised Code to authorize school districts 6
and community schools to initiate a community 7
learning center process to assist and guide 8
school restructuring and to revise the law 9
regarding academic distress commissions and 10
other supports for lower performing school 11
districts. 12

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

Section 1. That sections 133.06, 3302.01, 3302.036, 13
3302.04, 3310.02, 3310.03, 3310.032, 3310.035, 3311.29, and 14
3314.102 be amended and new section 3302.10 and sections 15
3302.11, 3302.16, 3302.17, and 3302.18 of the Revised Code be 16

enacted to read as follows: 17

Sec. 133.06. (A) A school district shall not incur, 18
without a vote of the electors, net indebtedness that exceeds an 19
amount equal to one-tenth of one per cent of its tax valuation, 20
except as provided in divisions (G) and (H) of this section and 21
in division (D) of section 3313.372 of the Revised Code, or as 22
prescribed in section 3318.052 or 3318.44 of the Revised Code, 23
or as provided in division (J) of this section. 24

(B) Except as provided in divisions (E), (F), and (I) of 25
this section, a school district shall not incur net indebtedness 26
that exceeds an amount equal to nine per cent of its tax 27
valuation. 28

(C) A school district shall not submit to a vote of the 29
electors the question of the issuance of securities in an amount 30
that will make the district's net indebtedness after the 31
issuance of the securities exceed an amount equal to four per 32
cent of its tax valuation, unless the superintendent of public 33
instruction, acting under policies adopted by the state board of 34
education, and the tax commissioner, acting under written 35
policies of the commissioner, consent to the submission. A 36
request for the consents shall be made at least one hundred 37
twenty days prior to the election at which the question is to be 38
submitted. 39

The superintendent of public instruction shall certify to 40
the district the superintendent's and the tax commissioner's 41
decisions within thirty days after receipt of the request for 42
consents. 43

If the electors do not approve the issuance of securities 44
at the election for which the superintendent of public 45

instruction and tax commissioner consented to the submission of 46
the question, the school district may submit the same question 47
to the electors on the date that the next special election may 48
be held under section 3501.01 of the Revised Code without 49
submitting a new request for consent. If the school district 50
seeks to submit the same question at any other subsequent 51
election, the district shall first submit a new request for 52
consent in accordance with this division. 53

(D) In calculating the net indebtedness of a school 54
district, none of the following shall be considered: 55

(1) Securities issued to acquire school buses and other 56
equipment used in transporting pupils or issued pursuant to 57
division (D) of section 133.10 of the Revised Code; 58

(2) Securities issued under division (F) of this section, 59
under section 133.301 of the Revised Code, and, to the extent in 60
excess of the limitation stated in division (B) of this section, 61
under division (E) of this section; 62

(3) Indebtedness resulting from the dissolution of a joint 63
vocational school district under section 3311.217 of the Revised 64
Code, evidenced by outstanding securities of that joint 65
vocational school district; 66

(4) Loans, evidenced by any securities, received under 67
sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code; 68

(5) Debt incurred under section 3313.374 of the Revised 69
Code; 70

(6) Debt incurred pursuant to division (B) (5) of section 71
3313.37 of the Revised Code to acquire computers and related 72
hardware; 73

(7) Debt incurred under section 3318.042 of the Revised Code.	74 75
(E) A school district may become a special needs district as to certain securities as provided in division (E) of this section.	76 77 78
(1) A board of education, by resolution, may declare its school district to be a special needs district by determining both of the following:	79 80 81
(a) The student population is not being adequately serviced by the existing permanent improvements of the district.	82 83
(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.	84 85 86 87
(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:	88 89 90
(a) The history of and a projection of the growth of the tax valuation;	91 92
(b) The projected needs;	93
(c) The estimated cost of permanent improvements proposed to meet such projected needs.	94 95
(3) The superintendent of public instruction shall certify the district as an approved special needs district if the superintendent finds both of the following:	96 97 98
(a) The district does not have available sufficient additional funds from state or federal sources to meet the	99 100

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 school facilities commission, a baseline analysis of actual 184
energy consumption data for the preceding three years with the 185
utility baseline based on only the actual energy consumption 186
data for the preceding twelve months, and estimates of the 187
amounts by which energy consumption and resultant operational 188

and maintenance costs, as defined by the commission, would be 189
reduced. 190

If the board finds after receiving the report that the 191
amount of money the district would spend on such installations, 192
modifications, or remodeling is not likely to exceed the amount 193
of money it would save in energy and resultant operational and 194
maintenance costs over the ensuing fifteen years, the board may 195
submit to the commission a copy of its findings and a request 196
for approval to incur indebtedness to finance the making or 197
modification of installations or the remodeling of buildings for 198
the purpose of significantly reducing energy consumption. 199

The school facilities commission, in consultation with the 200
auditor of state, may deny a request under this division by the 201
board of education of any school district that is in a state of 202
fiscal watch pursuant to division (A) of section 3316.03 of the 203
Revised Code, if it determines that the expenditure of funds is 204
not in the best interest of the school district. 205

No district board of education of a school district that 206
is in a state of fiscal emergency pursuant to division (B) of 207
section 3316.03 of the Revised Code shall submit a request 208
without submitting evidence that the installations, 209
modifications, or remodeling have been approved by the 210
district's financial planning and supervision commission 211
established under section 3316.05 of the Revised Code. 212

No board of education of a school district that, for three 213
or more consecutive years, has been declared to be in a state of 214
academic emergency under section 3302.03 of the Revised Code, as 215
that section existed prior to March 22, 2013, and has failed to 216
meet adequate yearly progress, or has met any condition set 217
forth in division (A) ~~(2) or (3)~~ of section 3302.10 of the 218

Revised Code shall submit a request without first receiving 219
approval to incur indebtedness from the district's academic 220
distress commission established under that section, for so long 221
as such commission continues to be required for the district. 222

(2) The school facilities commission shall approve the 223
board's request provided that the following conditions are 224
satisfied: 225

(a) The commission determines that the board's findings 226
are reasonable. 227

(b) The request for approval is complete. 228

(c) The installations, modifications, or remodeling are 229
consistent with any project to construct or acquire classroom 230
facilities, or to reconstruct or make additions to existing 231
classroom facilities under sections 3318.01 to 3318.20 or 232
sections 3318.40 to 3318.45 of the Revised Code. 233

Upon receipt of the commission's approval, the district 234
may issue securities without a vote of the electors in a 235
principal amount not to exceed nine-tenths of one per cent of 236
its tax valuation for the purpose of making such installations, 237
modifications, or remodeling, but the total net indebtedness of 238
the district without a vote of the electors incurred under this 239
and all other sections of the Revised Code, except section 240
3318.052 of the Revised Code, shall not exceed one per cent of 241
the district's tax valuation. 242

(3) So long as any securities issued under this division 243
remain outstanding, the board of education shall monitor the 244
energy consumption and resultant operational and maintenance 245
costs of buildings in which installations or modifications have 246
been made or remodeling has been done pursuant to this division. 247

Except as provided in division (G)(4) of this section, the board 248
shall maintain and annually update a report in a form and manner 249
prescribed by the school facilities commission documenting the 250
reductions in energy consumption and resultant operational and 251
maintenance cost savings attributable to such installations, 252
modifications, or remodeling. The resultant operational and 253
maintenance cost savings shall be certified by the school 254
district treasurer. The report shall be submitted annually to 255
the commission. 256

(4) If the school facilities commission verifies that the 257
certified annual reports submitted to the commission by a board 258
of education under division (G)(3) of this section fulfill the 259
guarantee required under division (B) of section 3313.372 of the 260
Revised Code for three consecutive years, the board of education 261
shall no longer be subject to the annual reporting requirements 262
of division (G)(3) of this section. 263

(H) With the consent of the superintendent of public 264
instruction, a school district may incur without a vote of the 265
electors net indebtedness that exceeds the amounts stated in 266
divisions (A) and (G) of this section for the purpose of paying 267
costs of permanent improvements, if and to the extent that both 268
of the following conditions are satisfied: 269

(1) The fiscal officer of the school district estimates 270
that receipts of the school district from payments made under or 271
pursuant to agreements entered into pursuant to section 725.02, 272
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 273
5709.62, 5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 of the 274
Revised Code, or distributions under division (C) of section 275
5709.43 of the Revised Code, or any combination thereof, are, 276
after accounting for any appropriate coverage requirements, 277

sufficient in time and amount, and are committed by the 278
proceedings, to pay the debt charges on the securities issued to 279
evidence that indebtedness and payable from those receipts, and 280
the taxing authority of the district confirms the fiscal 281
officer's estimate, which confirmation is approved by the 282
superintendent of public instruction; 283

(2) The fiscal officer of the school district certifies, 284
and the taxing authority of the district confirms, that the 285
district, at the time of the certification and confirmation, 286
reasonably expects to have sufficient revenue available for the 287
purpose of operating such permanent improvements for their 288
intended purpose upon acquisition or completion thereof, and the 289
superintendent of public instruction approves the taxing 290
authority's confirmation. 291

The maximum maturity of securities issued under division 292
(H) of this section shall be the lesser of twenty years or the 293
maximum maturity calculated under section 133.20 of the Revised 294
Code. 295

(I) A school district may incur net indebtedness by the 296
issuance of securities in accordance with the provisions of this 297
chapter in excess of the limit specified in division (B) or (C) 298
of this section when necessary to raise the school district 299
portion of the basic project cost and any additional funds 300
necessary to participate in a project under Chapter 3318. of the 301
Revised Code, including the cost of items designated by the 302
school facilities commission as required locally funded 303
initiatives, the cost of other locally funded initiatives in an 304
amount that does not exceed fifty per cent of the district's 305
portion of the basic project cost, and the cost for site 306
acquisition. The commission shall notify the superintendent of 307

public instruction whenever a school district will exceed either 308
limit pursuant to this division. 309

(J) A school district whose portion of the basic project 310
cost of its classroom facilities project under sections 3318.01 311
to 3318.20 of the Revised Code is greater than or equal to one 312
hundred million dollars may incur without a vote of the electors 313
net indebtedness in an amount up to two per cent of its tax 314
valuation through the issuance of general obligation securities 315
in order to generate all or part of the amount of its portion of 316
the basic project cost if the controlling board has approved the 317
school facilities commission's conditional approval of the 318
project under section 3318.04 of the Revised Code. The school 319
district board and the Ohio school facilities commission shall 320
include the dedication of the proceeds of such securities in the 321
agreement entered into under section 3318.08 of the Revised 322
Code. No state moneys shall be released for a project to which 323
this section applies until the proceeds of any bonds issued 324
under this section that are dedicated for the payment of the 325
school district portion of the project are first deposited into 326
the school district's project construction fund. 327

Sec. 3302.01. As used in this chapter: 328

(A) "Performance index score" means the average of the 329
totals derived from calculations, for each subject area, of the 330
weighted proportion of untested students and students scoring at 331
each level of skill described in division (A) (2) of section 332
3301.0710 of the Revised Code on the state achievement 333
assessments, as follows: 334

(1) For the assessments prescribed by division (A) (1) of 335
section 3301.0710 of the Revised Code, the average for each of 336
the subject areas of English language arts, mathematics, 337

science, and social studies. 338

(2) For the assessments prescribed by division (B) (1) of 339
section 3301.0710 and division (B) (2) of section 3301.0712 of 340
the Revised Code, the average for each of the subject areas of 341
English language arts and mathematics. 342

The department of education shall assign weights such that 343
students who do not take an assessment receive a weight of zero 344
and students who take an assessment receive progressively larger 345
weights dependent upon the level of skill attained on the 346
assessment. The department shall assign additional weights to 347
students who have been permitted to pass over a subject in 348
accordance with a student acceleration policy adopted under 349
section 3324.10 of the Revised Code. If such a student attains 350
the proficient score prescribed under division (A) (2) (c) of 351
section 3301.0710 of the Revised Code or higher on an 352
assessment, the department shall assign the student the weight 353
prescribed for the next higher scoring level. If such a student 354
attains the advanced score, prescribed under division (A) (2) (a) 355
of section 3301.0710 of the Revised Code, on an assessment, the 356
department shall assign to the student an additional 357
proportional weight, as approved by the state board. For each 358
school year that such a student's score is included in the 359
performance index score and the student attains the proficient 360
score on an assessment, that additional weight shall be assigned 361
to the student on a subject-by-subject basis. 362

Students shall be included in the "performance index 363
score" in accordance with division (K) (2) of section 3302.03 of 364
the Revised Code. 365

(B) "Subgroup" means a subset of the entire student 366
population of the state, a school district, or a school building 367

and includes each of the following: 368

- (1) Major racial and ethnic groups; 369
- (2) Students with disabilities; 370
- (3) Economically disadvantaged students; 371
- (4) Limited English proficient students; 372
- (5) Students identified as gifted in superior cognitive 373
ability and specific academic ability fields under Chapter 3324. 374
of the Revised Code. For students who are gifted in specific 375
academic ability fields, the department shall use data for those 376
students with specific academic ability in math and reading. If 377
any other academic field is assessed, the department shall also 378
include data for students with specific academic ability in that 379
field. 380
- (6) Students in the lowest quintile for achievement 381
statewide, as determined by a method prescribed by the state 382
board of education. 383

(C) "No Child Left Behind Act of 2001" includes the 384
statutes codified at 20 U.S.C. 6301 et seq. and any amendments, 385
waivers, or both thereto, rules and regulations promulgated 386
pursuant to those statutes, guidance documents, and any other 387
policy directives regarding implementation of that act issued by 388
the United States department of education. 389

(D) "Adequate yearly progress" means a measure of annual 390
academic performance as calculated in accordance with the "No 391
Child Left Behind Act of 2001." 392

(E) "Supplemental educational services" means additional 393
academic assistance, such as tutoring, remediation, or other 394
educational enrichment activities, that is conducted outside of 395

the regular school day by a provider approved by the department 396
in accordance with the "No Child Left Behind Act of 2001." 397

(F) "Value-added progress dimension" means a measure of 398
academic gain for a student or group of students over a specific 399
period of time that is calculated by applying a statistical 400
methodology to individual student achievement data derived from 401
the achievement assessments prescribed by section 3301.0710 of 402
the Revised Code. The "value-added progress dimension" shall be 403
developed and implemented in accordance with section 3302.021 of 404
the Revised Code. 405

(G) (1) "Four-year adjusted cohort graduation rate" means 406
the number of students who graduate in four years or less with a 407
regular high school diploma divided by the number of students 408
who form the adjusted cohort for the graduating class. 409

(2) "Five-year adjusted cohort graduation rate" means the 410
number of students who graduate in five years with a regular 411
high school diploma divided by the number of students who form 412
the adjusted cohort for the four-year graduation rate. 413

(H) "State institution of higher education" has the same 414
meaning as in section 3345.011 of the Revised Code. 415

(I) "Annual measurable objectives" means a measure of 416
student progress determined in accordance with an agreement 417
between the department of education and the United States 418
department of education. 419

(J) "Community school" means a community school 420
established under Chapter 3314. of the Revised Code. 421

(K) "STEM school" means a science, technology, 422
engineering, and mathematics school established under Chapter 423
3326. of the Revised Code. 424

(L) "Entitled to attend school in the district" means 425
entitled to attend school in a school district under section 426
3313.64 or 3313.65 of the Revised Code. 427

Sec. 3302.036. (A) Notwithstanding anything in the Revised 428
Code to the contrary, the department of education shall not 429
assign an overall letter grade under division (C) (3) of section 430
3302.03 of the Revised Code for any school district or building 431
for the 2014-2015 school year, may, at the discretion of the 432
state board of education, not assign an individual grade to any 433
component prescribed under division (C) (3) of section 3302.03 of 434
the Revised Code, and shall not rank school districts, community 435
schools established under Chapter 3314. of the Revised Code, or 436
STEM schools established under Chapter 3326. of the Revised Code 437
under section 3302.21 of the Revised Code for that school year. 438
The report card ratings issued for the 2014-2015 school year 439
shall not be considered in determining whether a school district 440
or a school is subject to sanctions or penalties. However, the 441
report card ratings of any previous or subsequent years shall be 442
considered in determining whether a school district or building 443
is subject to sanctions or penalties. Accordingly, the report 444
card ratings for the 2014-2015 school year shall have no effect 445
in determining sanctions or penalties, but shall not create a 446
new starting point for determinations that are based on ratings 447
over multiple years. 448

(B) The provisions from which a district or school is 449
exempt under division (A) of this section shall be the 450
following: 451

(1) Any restructuring provisions established under this 452
chapter, except as required under the "No Child Left Behind Act 453
of 2001"; 454

(2) Provisions for the Columbus city school pilot project 455
under section 3302.042 of the Revised Code; 456

(3) Provisions for academic distress commissions under 457
former section 3302.10 of the Revised Code, as it existed prior 458
to the effective date of this amendment. The provisions of this 459
section do not apply to academic distress commissions under the 460
version of that section as it exists on or after the effective 461
date of this amendment. 462

(4) Provisions prescribing new buildings where students 463
are eligible for the educational choice scholarships under 464
section 3310.03 of the Revised Code; 465

(5) Provisions defining "challenged school districts" in 466
which new start-up community schools may be located, as 467
prescribed in section 3314.02 of the Revised Code; 468

(6) Provisions prescribing community school closure 469
requirements under section 3314.35 or 3314.351 of the Revised 470
Code. 471

(C) Notwithstanding anything in the Revised Code to the 472
contrary and except as provided in Section 3 of H.B. 7 of the 473
131st general assembly, no school district, community school, or 474
STEM school shall utilize at any time during a student's 475
academic career a student's score on any assessment administered 476
under division (A) of section 3301.0710 or division (B) (2) of 477
section 3301.0712 of the Revised Code in the 2014-2015 school 478
year as a factor in any decision to promote or to deny the 479
student promotion to a higher grade level or in any decision to 480
grant course credit. No individual student score reports on such 481
assessments administered in the 2014-2015 school year shall be 482
released, except to a student's school district or school or to 483

the student or the student's parent or guardian. 484

Sec. 3302.04. As used in divisions (A), (C), and (D) of 485
this section, for the 2014-2015 school year, and for each school 486
year thereafter, when a provision refers to a school district or 487
school building in a state of academic emergency, it shall mean 488
a district or building rated "F"; when a provision refers to a 489
school district or school building under an academic watch, it 490
shall mean a district or building rated "D"; and when a 491
provision refers to a school district or school building in need 492
of continuous improvement, it shall mean a district or building 493
rated "C" as those letter grade ratings for overall performance 494
are assigned under division (C) (3) of section 3302.03 of the 495
Revised Code, as it exists on or after ~~the effective date of~~ 496
~~this amendment~~ March 22, 2013. 497

(A) The department of education shall establish a system 498
of intensive, ongoing support for the improvement of school 499
districts and school buildings. In accordance with the model of 500
differentiated accountability described in section 3302.041 of 501
the Revised Code, the system shall give priority to the 502
following: 503

(1) For any school year prior to the 2012-2013 school 504
year, districts and buildings that have been declared to be 505
under an academic watch or in a state of academic emergency 506
under section 3302.03 of the Revised Code; 507

(2) For the 2012-2013 school year, and for each school 508
year thereafter, districts and buildings in the manner 509
prescribed by any agreement currently in force between the 510
department and the United States department of education. The 511
department shall endeavor to include schools and buildings that 512
receive grades under section 3302.03 of the Revised Code that 513

the department considers to be low performing. 514

The system shall include services provided to districts 515
and buildings through regional service providers, such as 516
educational service centers. The system may include the 517
appointment of an improvement coordinator for any of the lowest 518
performing districts, as determined by the department, to 519
coordinate the district's academic improvement efforts and to 520
build support among the community for those efforts. 521

(B) This division does not apply to any school district 522
after June 30, 2008. 523

When a school district has been notified by the department 524
pursuant to section 3302.03 of the Revised Code that the 525
district or a building within the district has failed to make 526
adequate yearly progress for two consecutive school years, the 527
district shall develop a three-year continuous improvement plan 528
for the district or building containing each of the following: 529

(1) An analysis of the reasons for the failure of the 530
district or building to meet any of the applicable performance 531
indicators established under section 3302.02 of the Revised Code 532
that it did not meet and an analysis of the reasons for its 533
failure to make adequate yearly progress; 534

(2) Specific strategies that the district or building will 535
use to address the problems in academic achievement identified 536
in division (B) (1) of this section; 537

(3) Identification of the resources that the district will 538
allocate toward improving the academic achievement of the 539
district or building; 540

(4) A description of any progress that the district or 541
building made in the preceding year toward improving its 542

academic achievement; 543

(5) An analysis of how the district is utilizing the 544
professional development standards adopted by the state board 545
pursuant to section 3319.61 of the Revised Code; 546

(6) Strategies that the district or building will use to 547
improve the cultural competency, as defined pursuant to section 548
3319.61 of the Revised Code, of teachers and other educators. 549

No three-year continuous improvement plan shall be 550
developed or adopted pursuant to this division unless at least 551
one public hearing is held within the affected school district 552
or building concerning the final draft of the plan. Notice of 553
the hearing shall be given two weeks prior to the hearing by 554
publication in one newspaper of general circulation within the 555
territory of the affected school district or building. Copies of 556
the plan shall be made available to the public. 557

(C) (1) For any school year prior to the school year that 558
begins on July 1, 2012, when a school district or building has 559
been notified by the department pursuant to section 3302.03 of 560
the Revised Code that the district or building is under an 561
academic watch or in a state of academic emergency, the district 562
or building shall be subject to any rules establishing 563
intervention in academic watch or emergency school districts or 564
buildings. 565

(2) For the 2012-2013 school year, and for each school 566
year thereafter, a district or building that meets the 567
conditions for intervention prescribed by the agreement 568
described in division (A) (2) of this section shall be subject to 569
any rules establishing such intervention. 570

(D) (1) For any school year prior to the 2012-2013 school 571

year, within one hundred twenty days after any school district 572
or building is declared to be in a state of academic emergency 573
under section 3302.03 of the Revised Code, the department may 574
initiate a site evaluation of the building or school district. 575

(2) For the 2012-2013 school year, and for each school 576
year thereafter, the department may initiate a site evaluation 577
of a building or school district that meets the conditions for a 578
site evaluation prescribed by the agreement described in 579
division (A) (2) of this section. 580

(3) Division (D) (3) of this section does not apply to any 581
school district after June 30, 2008. 582

If any school district that is declared to be in a state 583
of academic emergency or in a state of academic watch under 584
section 3302.03 of the Revised Code or encompasses a building 585
that is declared to be in a state of academic emergency or in a 586
state of academic watch fails to demonstrate to the department 587
satisfactory improvement of the district or applicable buildings 588
or fails to submit to the department any information required 589
under rules established by the state board of education, prior 590
to approving a three-year continuous improvement plan under 591
rules established by the state board of education, the 592
department shall conduct a site evaluation of the school 593
district or applicable buildings to determine whether the school 594
district is in compliance with minimum standards established by 595
law or rule. 596

(4) Division (D) (4) of this section does not apply to any 597
school district after June 30, 2008. Site evaluations conducted 598
under divisions (D) (1), (2), and (3) of this section shall 599
include, but not be limited to, the following: 600

- (a) Determining whether teachers are assigned to subject areas for which they are licensed or certified; 601
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- (b) Determining pupil-teacher ratios; 603
- (c) Examination of compliance with minimum instruction time requirements for each school day and for each school year; 604
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- (d) Determining whether materials and equipment necessary to implement the curriculum approved by the school district board are available; 606
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- (e) Examination of whether the teacher and principal evaluation systems comply with sections 3311.80, 3311.84, 3319.02, and 3319.111 of the Revised Code; 609
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- (f) Examination of the adequacy of efforts to improve the cultural competency, as defined pursuant to section 3319.61 of the Revised Code, of teachers and other educators. 612
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- (E) This division applies only to school districts that operate a school building that fails to make adequate yearly progress for two or more consecutive school years. It does not apply to any such district after June 30, 2008, except as provided in division (D)(2) of section 3313.97 of the Revised Code. 615
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- (1) For any school building that fails to make adequate yearly progress for two consecutive school years, the district shall do all of the following: 621
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- (a) Provide written notification of the academic issues that resulted in the building's failure to make adequate yearly progress to the parent or guardian of each student enrolled in the building. The notification shall also describe the actions being taken by the district or building to improve the academic 624
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performance of the building and any progress achieved toward 629
that goal in the immediately preceding school year. 630

(b) If the building receives funds under Title I, Part A 631
of the "Elementary and Secondary Education Act of 1965," 20 632
U.S.C. 6311 to 6339, from the district, in accordance with 633
section 3313.97 of the Revised Code, offer all students enrolled 634
in the building the opportunity to enroll in an alternative 635
building within the district that is not in school improvement 636
status as defined by the "No Child Left Behind Act of 2001." 637
Notwithstanding Chapter 3327. of the Revised Code, the district 638
shall spend an amount equal to twenty per cent of the funds it 639
receives under Title I, Part A of the "Elementary and Secondary 640
Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide 641
transportation for students who enroll in alternative buildings 642
under this division, unless the district can satisfy all demand 643
for transportation with a lesser amount. If an amount equal to 644
twenty per cent of the funds the district receives under Title 645
I, Part A of the "Elementary and Secondary Education Act of 646
1965," 20 U.S.C. 6311 to 6339, is insufficient to satisfy all 647
demand for transportation, the district shall grant priority 648
over all other students to the lowest achieving students among 649
the subgroup described in division (B) (3) of section 3302.01 of 650
the Revised Code in providing transportation. Any district that 651
does not receive funds under Title I, Part A of the "Elementary 652
and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, 653
shall not be required to provide transportation to any student 654
who enrolls in an alternative building under this division. 655

(2) For any school building that fails to make adequate 656
yearly progress for three consecutive school years, the district 657
shall do both of the following: 658

(a) If the building receives funds under Title I, Part A 659
of the "Elementary and Secondary Education Act of 1965," 20 660
U.S.C. 6311 to 6339, from the district, in accordance with 661
section 3313.97 of the Revised Code, provide all students 662
enrolled in the building the opportunity to enroll in an 663
alternative building within the district that is not in school 664
improvement status as defined by the "No Child Left Behind Act 665
of 2001." Notwithstanding Chapter 3327. of the Revised Code, the 666
district shall provide transportation for students who enroll in 667
alternative buildings under this division to the extent required 668
under division (E) (2) of this section. 669

(b) If the building receives funds under Title I, Part A 670
of the "Elementary and Secondary Education Act of 1965," 20 671
U.S.C. 6311 to 6339, from the district, offer supplemental 672
educational services to students who are enrolled in the 673
building and who are in the subgroup described in division (B) 674
(3) of section 3302.01 of the Revised Code. 675

The district shall spend a combined total of an amount 676
equal to twenty per cent of the funds it receives under Title I, 677
Part A of the "Elementary and Secondary Education Act of 1965," 678
20 U.S.C. 6311 to 6339, to provide transportation for students 679
who enroll in alternative buildings under division (E) (1) (b) or 680
(E) (2) (a) of this section and to pay the costs of the 681
supplemental educational services provided to students under 682
division (E) (2) (b) of this section, unless the district can 683
satisfy all demand for transportation and pay the costs of 684
supplemental educational services for those students who request 685
them with a lesser amount. In allocating funds between the 686
requirements of divisions (E) (1) (b) and (E) (2) (a) and (b) of 687
this section, the district shall spend at least an amount equal 688
to five per cent of the funds it receives under Title I, Part A 689

of the "Elementary and Secondary Education Act of 1965," 20 690
U.S.C. 6311 to 6339, to provide transportation for students who 691
enroll in alternative buildings under division (E) (1) (b) or (E) 692
(2) (a) of this section, unless the district can satisfy all 693
demand for transportation with a lesser amount, and at least an 694
amount equal to five per cent of the funds it receives under 695
Title I, Part A of the "Elementary and Secondary Education Act 696
of 1965," 20 U.S.C. 6311 to 6339, to pay the costs of the 697
supplemental educational services provided to students under 698
division (E) (2) (b) of this section, unless the district can pay 699
the costs of such services for all students requesting them with 700
a lesser amount. If an amount equal to twenty per cent of the 701
funds the district receives under Title I, Part A of the 702
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 703
to 6339, is insufficient to satisfy all demand for 704
transportation under divisions (E) (1) (b) and (E) (2) (a) of this 705
section and to pay the costs of all of the supplemental 706
educational services provided to students under division (E) (2) 707
(b) of this section, the district shall grant priority over all 708
other students in providing transportation and in paying the 709
costs of supplemental educational services to the lowest 710
achieving students among the subgroup described in division (B) 711
(3) of section 3302.01 of the Revised Code. 712

Any district that does not receive funds under Title I, 713
Part A of the "Elementary and Secondary Education Act of 1965," 714
20 U.S.C. 6311 to 6339, shall not be required to provide 715
transportation to any student who enrolls in an alternative 716
building under division (E) (2) (a) of this section or to pay the 717
costs of supplemental educational services provided to any 718
student under division (E) (2) (b) of this section. 719

No student who enrolls in an alternative building under 720

division (E) (2) (a) of this section shall be eligible for 721
supplemental educational services under division (E) (2) (b) of 722
this section. 723

(3) For any school building that fails to make adequate 724
yearly progress for four consecutive school years, the district 725
shall continue to comply with division (E) (2) of this section 726
and shall implement at least one of the following options with 727
respect to the building: 728

(a) Institute a new curriculum that is consistent with the 729
statewide academic standards adopted pursuant to division (A) of 730
section 3301.079 of the Revised Code; 731

(b) Decrease the degree of authority the building has to 732
manage its internal operations; 733

(c) Appoint an outside expert to make recommendations for 734
improving the academic performance of the building. The district 735
may request the department to establish a state intervention 736
team for this purpose pursuant to division (G) of this section. 737

(d) Extend the length of the school day or year; 738

(e) Replace the building principal or other key personnel; 739

(f) Reorganize the administrative structure of the 740
building. 741

(4) For any school building that fails to make adequate 742
yearly progress for five consecutive school years, the district 743
shall continue to comply with division (E) (2) of this section 744
and shall develop a plan during the next succeeding school year 745
to improve the academic performance of the building, which shall 746
include at least one of the following options: 747

(a) Reopen the school as a community school under Chapter 748

3314. of the Revised Code;	749
(b) Replace personnel;	750
(c) Contract with a nonprofit or for-profit entity to operate the building;	751 752
(d) Turn operation of the building over to the department;	753
(e) Other significant restructuring of the building's governance.	754 755
(5) For any school building that fails to make adequate yearly progress for six consecutive school years, the district shall continue to comply with division (E) (2) of this section and shall implement the plan developed pursuant to division (E) (4) of this section.	756 757 758 759 760
(6) A district shall continue to comply with division (E) (1) (b) or (E) (2) of this section, whichever was most recently applicable, with respect to any building formerly subject to one of those divisions until the building makes adequate yearly progress for two consecutive school years.	761 762 763 764 765
(F) This division applies only to school districts that have been identified for improvement by the department pursuant to the "No Child Left Behind Act of 2001." It does not apply to any such district after June 30, 2008.	766 767 768 769
(1) If a school district has been identified for improvement for one school year, the district shall provide a written description of the continuous improvement plan developed by the district pursuant to division (B) of this section to the parent or guardian of each student enrolled in the district. If the district does not have a continuous improvement plan, the district shall develop such a plan in accordance with division	770 771 772 773 774 775 776

(B) of this section and provide a written description of the 777
plan to the parent or guardian of each student enrolled in the 778
district. 779

(2) If a school district has been identified for 780
improvement for two consecutive school years, the district shall 781
continue to implement the continuous improvement plan developed 782
by the district pursuant to division (B) or (F) (1) of this 783
section. 784

(3) If a school district has been identified for 785
improvement for three consecutive school years, the department 786
shall take at least one of the following corrective actions with 787
respect to the district: 788

(a) Withhold a portion of the funds the district is 789
entitled to receive under Title I, Part A of the "Elementary and 790
Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339; 791

(b) Direct the district to replace key district personnel; 792

(c) Institute a new curriculum that is consistent with the 793
statewide academic standards adopted pursuant to division (A) of 794
section 3301.079 of the Revised Code; 795

(d) Establish alternative forms of governance for 796
individual school buildings within the district; 797

(e) Appoint a trustee to manage the district in place of 798
the district superintendent and board of education. 799

The department shall conduct individual audits of a 800
sampling of districts subject to this division to determine 801
compliance with the corrective actions taken by the department. 802

(4) If a school district has been identified for 803
improvement for four consecutive school years, the department 804

shall continue to monitor implementation of the corrective 805
action taken under division (F) (3) of this section with respect 806
to the district. 807

(5) If a school district has been identified for 808
improvement for five consecutive school years, the department 809
shall take at least one of the corrective actions identified in 810
division (F) (3) of this section with respect to the district, 811
provided that the corrective action the department takes is 812
different from the corrective action previously taken under 813
division (F) (3) of this section with respect to the district. 814

(G) The department may establish a state intervention team 815
to evaluate all aspects of a school district or building, 816
including management, curriculum, instructional methods, 817
resource allocation, and scheduling. Any such intervention team 818
shall be appointed by the department and shall include teachers 819
and administrators recognized as outstanding in their fields. 820
The intervention team shall make recommendations regarding 821
methods for improving the performance of the district or 822
building. 823

The department shall not approve a district's request for 824
an intervention team under division (E) (3) of this section if 825
the department cannot adequately fund the work of the team, 826
unless the district agrees to pay for the expenses of the team. 827

(H) The department shall conduct individual audits of a 828
sampling of community schools established under Chapter 3314. of 829
the Revised Code to determine compliance with this section. 830

(I) The state board shall adopt rules for implementing 831
this section. 832

Sec. 3302.10. (A) The superintendent of public instruction 833

shall establish an academic distress commission for any school 834
district that meets one of the following conditions: 835

(1) The district has received an overall grade of "F" 836
under division (C)(3) of section 3302.03 of the Revised Code for 837
three consecutive years. 838

(2) An academic distress commission established for the 839
district under former section 3302.10 of the Revised Code was 840
still in existence on the effective date of this section and has 841
been in existence for at least four years. 842

(B)(1) The academic distress commission shall consist of 843
five members as follows: 844

(a) Three members appointed by the state superintendent, 845
one of whom is a resident in the county in which a majority of 846
the district's territory is located; 847

(b) One member appointed by the president of the district 848
board of education, who shall be a teacher employed by the 849
district; 850

(c) One member appointed by the mayor of the municipality 851
in which a majority of the district's territory is located or, 852
if no such municipality exists, by the mayor of a municipality 853
selected by the state superintendent in which the district has 854
territory. 855

Appointments to the commission shall be made within thirty 856
days after the district is notified that it is subject to this 857
section. Members of the commission shall serve at the pleasure 858
of their appointing authority. The state superintendent shall 859
designate a chairperson for the commission from among the 860
members appointed by the state superintendent. The chairperson 861
shall call and conduct meetings, set meeting agendas, and serve 862

as a liaison between the commission and the chief executive officer appointed under division (C) (1) of this section. 863
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(2) In the case of a school district that meets the condition in division (A) (2) of this section, the academic distress commission established for the district under former section 3302.10 of the Revised Code shall be abolished and a new academic distress commission shall be appointed for the district pursuant to division (B) (1) of this section. 865
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(C) (1) Within sixty days after the state superintendent has designated a chairperson for the academic distress commission, the commission shall appoint a chief executive officer for the district, who shall be paid by the department of education and shall serve at the pleasure of the commission. The individual appointed as chief executive officer shall have high-level management experience in the public or private sector. The chief executive officer shall exercise complete operational, managerial, and instructional control of the district, which shall include, but shall not be limited to, the following powers and duties, but the chief executive officer may delegate, in writing, specific powers or duties to the district board or district superintendent: 871
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(a) Replacing school administrators and central office staff; 884
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(b) Assigning employees to schools and approving transfers; 886
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(c) Hiring new employees; 888

(d) Defining employee responsibilities and job descriptions; 889
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(e) Establishing employee compensation; 891

<u>(f) Allocating teacher class loads;</u>	892
<u>(g) Conducting employee evaluations;</u>	893
<u>(h) Making reductions in staff under section 3319.17, 3319.171, or 3319.172 of the Revised Code;</u>	894 895
<u>(i) Setting the school calendar;</u>	896
<u>(j) Creating a budget for the district;</u>	897
<u>(k) Contracting for services for the district;</u>	898
<u>(l) Modifying policies and procedures established by the district board;</u>	899 900
<u>(m) Establishing grade configurations of schools;</u>	901
<u>(n) Determining the school curriculum;</u>	902
<u>(o) Selecting instructional materials and assessments;</u>	903
<u>(p) Setting class sizes;</u>	904
<u>(q) Providing for staff professional development.</u>	905
<u>(2) If an improvement coordinator was previously appointed for the district pursuant to division (A) of section 3302.04 of the Revised Code, that position shall be terminated. However, nothing in this section shall prohibit the chief executive officer from employing the same individual or other staff to perform duties or functions previously performed by the improvement coordinator.</u>	906 907 908 909 910 911 912
<u>(D) The academic distress commission, in consultation with the state superintendent and the chief executive officer, shall be responsible for expanding high-quality school choice options in the district. The commission, in consultation with the state superintendent, may create an entity to act as a high-quality</u>	913 914 915 916 917

school accelerator for schools not operated by the district. The 918
accelerator shall promote high-quality schools in the district, 919
lead improvement efforts for underperforming schools, recruit 920
high-quality sponsors for community schools, attract new high- 921
quality schools to the district, and increase the overall 922
capacity of schools to deliver a high-quality education for 923
students. Any accelerator shall be an independent entity and the 924
chief executive officer shall have no authority over the 925
accelerator. 926

(E) (1) Within thirty days after the chief executive 927
officer is appointed, the chief executive officer shall convene 928
a group of community stakeholders. The purpose of the group 929
shall be to develop expectations for academic improvement in the 930
district and to assist the district in building relationships 931
with organizations in the community that can provide needed 932
services to students. Members of the group shall include, but 933
shall not be limited to, educators, civic and business leaders, 934
and representatives of institutions of higher education and 935
government service agencies. Within ninety days after the chief 936
executive officer is appointed, the chief executive officer also 937
shall convene a smaller group of community stakeholders for each 938
school operated by the district to develop expectations for 939
academic improvement in that school. The group convened for each 940
school shall have teachers employed in the school and parents of 941
students enrolled in the school among its members. 942

(2) The chief executive officer shall create a plan to 943
improve the district's academic performance. In creating the 944
plan, the chief executive officer shall consult with the groups 945
convened under division (E) (1) of this section. The chief 946
executive officer also shall consider the availability of 947
funding to ensure sustainability of the plan. The plan shall 948

establish clear, measurable performance goals for the district 949
and for each school operated by the district. The performance 950
goals shall include, but not be limited to, the performance 951
measures prescribed for report cards issued under section 952
3302.03 of the Revised Code. Within ninety days after the chief 953
executive officer is appointed, the chief executive officer 954
shall submit the plan to the academic distress commission for 955
approval. Within thirty days after the submission of the plan, 956
the commission shall approve the plan or suggest modifications 957
to the plan that will render it acceptable. If the commission 958
suggests modifications, the chief executive officer may revise 959
the plan before resubmitting it to the commission. The chief 960
executive officer shall resubmit the plan, whether revised or 961
not, within fifteen days after the commission suggests 962
modifications. The commission shall approve the plan within 963
thirty days after the plan is resubmitted. Upon approval of the 964
plan by the commission, the chief executive officer shall 965
implement the plan. 966

(F) Notwithstanding any provision to the contrary in 967
Chapter 4117. of the Revised Code, if the district board has 968
entered into, modified, renewed, or extended a collective 969
bargaining agreement on or after the effective date of this 970
section that contains provisions relinquishing one or more of 971
the rights or responsibilities listed in division (C) of section 972
4117.08 of the Revised Code, those provisions are not 973
enforceable and the chief executive officer and the district 974
board shall resume holding those rights or responsibilities as 975
if the district board had not relinquished them in that 976
agreement until such time as both the academic distress 977
commission ceases to exist and the district board agrees to 978
relinquish those rights or responsibilities in a new collective 979

bargaining agreement. For purposes of this section, "collective 980
bargaining agreement" shall include any labor contract or 981
agreement in effect with any applicable bargaining 982
representative. The chief executive officer and the district 983
board are not required to bargain on subjects reserved to the 984
management and direction of the school district, including, but 985
not limited to, the rights or responsibilities listed in 986
division (C) of section 4117.08 of the Revised Code. The way in 987
which these subjects and these rights or responsibilities may 988
affect the wages, hours, terms and conditions of employment, or 989
the continuation, modification, or deletion of an existing 990
provision of a collective bargaining agreement is not subject to 991
collective bargaining or effects bargaining under Chapter 4117. 992
of the Revised Code. The provisions of this paragraph apply to a 993
collective bargaining agreement entered into, modified, renewed, 994
or extended on or after the effective date of this section and 995
those provisions are deemed to be part of that agreement 996
regardless of whether the district satisfied the conditions 997
prescribed in division (A) of this section at the time the 998
district entered into that agreement. If the district board 999
relinquished one or more of the rights or responsibilities 1000
listed in division (C) of section 4117.08 of the Revised Code in 1001
a collective bargaining agreement entered into prior to the 1002
effective date of this section and had resumed holding those 1003
rights or responsibilities pursuant to division (K) of former 1004
section 3302.10 of the Revised Code, as it existed prior to that 1005
date, the district board shall continue to hold those rights or 1006
responsibilities until such time as both the new academic 1007
distress commission appointed under this section ceases to exist 1008
upon completion of the transition period specified in division 1009
(N)(1) of this section and the district board agrees to 1010
relinquish those rights or responsibilities in a new collective 1011

bargaining agreement. 1012

(G) In each school year that the district is subject to 1013
this section, the following shall apply: 1014

(1) The chief executive officer shall implement the 1015
improvement plan approved under division (E) (2) of this section 1016
and shall review the plan annually to determine if changes are 1017
needed. The chief executive officer may modify the plan upon the 1018
approval of the modifications by the academic distress 1019
commission. 1020

(2) The chief executive officer may implement innovative 1021
education programs to do any of the following: 1022

(a) Address the physical and mental well-being of students 1023
and their families; 1024

(b) Provide mentoring; 1025

(c) Provide job resources; 1026

(d) Disseminate higher education information; 1027

(e) Offer recreational or cultural activities; 1028

(f) Provide any other services that will contribute to a 1029
successful learning environment. 1030

The chief executive officer shall establish a separate 1031
fund to support innovative education programs and shall deposit 1032
any moneys appropriated by the general assembly for the purposes 1033
of division (G) (2) of this section in the fund. The chief 1034
executive officer shall have sole authority to disburse moneys 1035
from the fund until the district is no longer subject to this 1036
section. All disbursements shall support the improvement plan 1037
approved under division (E) (2) of this section. 1038

(3) If the district is not a school district in which the 1039
pilot project scholarship program is operating under sections 1040
3313.974 to 3313.979 of the Revised Code, each student who is 1041
entitled to attend school in the district under section 3313.64 1042
or 3313.65 of the Revised Code and is enrolled in a school 1043
operated by the district or in a community school, or will be 1044
both enrolling in any of grades kindergarten through twelve in 1045
this state for the first time and at least five years of age by 1046
the first day of January of the following school year, shall be 1047
eligible to participate in the educational choice scholarship 1048
pilot program established under sections 3310.01 to 3310.17 of 1049
the Revised Code and an application for the student may be 1050
submitted during the next application period. 1051

(4) Notwithstanding anything to the contrary in the 1052
Revised Code, the chief executive officer may limit, suspend, or 1053
alter any contract with an administrator that is entered into, 1054
modified, renewed, or extended by the district board on or after 1055
the effective date of this section, provided that the chief 1056
executive officer shall not reduce any salary or base hourly 1057
rate of pay unless such salary or base hourly rate reductions 1058
are part of a uniform plan affecting all district employees and 1059
shall not reduce any insurance benefits unless such insurance 1060
benefit reductions are also applicable generally to other 1061
employees of the district. 1062

(5) The chief executive officer shall represent the 1063
district board during any negotiations to modify, renew, or 1064
extend a collective bargaining agreement entered into by the 1065
board under Chapter 4117. of the Revised Code. 1066

(H) If the report card for the district has been issued 1067
under section 3302.03 of the Revised Code for the first school 1068

year that the district is subject to this section and the 1069
district does not meet the qualification in division (N) (1) of 1070
this section, the following shall apply: 1071

(1) The chief executive officer may reconstitute any 1072
school operated by the district. The chief executive officer 1073
shall present to the academic distress commission a plan that 1074
lists each school designated for reconstitution and explains how 1075
the chief executive officer plans to reconstitute the school. 1076
The chief executive officer may take any of the following 1077
actions to reconstitute a school: 1078

(a) Change the mission of the school or the focus of its 1079
curriculum; 1080

(b) Replace the school's principal and/or administrative 1081
staff; 1082

(c) Replace a majority of the school's staff, including 1083
teaching and nonteaching employees; 1084

(d) Contract with a nonprofit or for-profit entity to 1085
manage the operations of the school. The contract may provide 1086
for the entity to supply all or some of the staff for the 1087
school. 1088

(e) Reopen the school as a community school under Chapter 1089
3314. of the Revised Code or a science, technology, engineering, 1090
and mathematics school under Chapter 3326. of the Revised Code; 1091

(f) Permanently close the school. 1092

If the chief executive officer plans to reconstitute a 1093
school under division (H) (1) (e) or (f) of this section, the 1094
commission shall review the plan for that school and either 1095
approve or reject it by the thirtieth day of June of the school 1096

year. Upon approval of the plan by the commission, the chief 1097
executive officer shall reconstitute the school as outlined in 1098
the plan. 1099

(2) Notwithstanding any provision to the contrary in 1100
Chapter 4117. of the Revised Code, the chief executive officer, 1101
in consultation with the chairperson of the academic distress 1102
commission, may reopen any collective bargaining agreement 1103
entered into, modified, renewed, or extended on or after the 1104
effective date of this section for the purpose of renegotiating 1105
its terms. The chief executive officer shall have the sole 1106
discretion to designate any provisions of a collective 1107
bargaining agreement as subject to reopening by providing 1108
written notice to the bargaining representative. Any provisions 1109
designated for reopening by the chief executive officer shall be 1110
subject to collective bargaining as set forth in Chapter 4117. 1111
of the Revised Code. Any changes to the provisions subject to 1112
reopening shall take effect on the following first day of July 1113
or another date agreed to by the parties. The chief executive 1114
officer may reopen a collective bargaining agreement under 1115
division (H) (2) of this section as necessary to reconstitute a 1116
school under division (H) (1) of this section. 1117

(I) If the report card for the district has been issued 1118
under section 3302.03 of the Revised Code for the second school 1119
year that the district is subject to this section and the 1120
district does not meet the qualification in division (N) (1) of 1121
this section, the following shall apply: 1122

(1) The chief executive officer may exercise any of the 1123
powers authorized under division (H) of this section. 1124

(2) Notwithstanding any provision to the contrary in 1125
Chapter 4117. of the Revised Code, the chief executive officer 1126

may limit, suspend, or alter any provision of a collective 1127
bargaining agreement entered into, modified, renewed, or 1128
extended on or after the effective date of this section, 1129
provided that the chief executive officer shall not reduce any 1130
base hourly rate of pay and shall not reduce any insurance 1131
benefits. The decision to limit, suspend, or alter any provision 1132
of a collective bargaining agreement under this division is not 1133
subject to bargaining under Chapter 4117. of the Revised Code; 1134
however, the chief executive officer shall have the discretion 1135
to engage in effects bargaining on the way any such decision may 1136
affect wages, hours, or terms and conditions of employment. The 1137
chief executive officer may limit, suspend, or alter a provision 1138
of a collective bargaining agreement under division (I) (2) of 1139
this section as necessary to reconstitute a school under 1140
division (H) (1) of this section. 1141

(J) If the report card for the district has been issued 1142
under section 3302.03 of the Revised Code for the third school 1143
year that the district is subject to this section and the 1144
district does not meet the qualification in division (N) (1) of 1145
this section, the following shall apply: 1146

(1) The chief executive officer may exercise any of the 1147
powers authorized under division (H) or (I) of this section. 1148

(2) The chief executive officer may continue in effect a 1149
limitation, suspension, or alteration of a provision of a 1150
collective bargaining agreement issued under division (I) (2) of 1151
this section. Any such continuation shall be subject to the 1152
requirements and restrictions of that division. 1153

(K) If the report card for the district has been issued 1154
under section 3302.03 of the Revised Code for the fourth school 1155
year that the district is subject to this section and the 1156

district does not meet the qualification in division (N) (1) of 1157
this section, the following shall apply: 1158

(1) The chief executive officer may exercise any of the 1159
powers authorized under division (H), (I), or (J) of this 1160
section. 1161

(2) A new board of education shall be appointed for the 1162
district in accordance with section 3302.11 of the Revised Code. 1163
However, the chief executive officer shall retain complete 1164
operational, managerial, and instructional control of the 1165
district until the chief executive officer relinquishes that 1166
control to the district board under division (N) (1) of this 1167
section. 1168

(L) If the report card for the district has been issued 1169
under section 3302.03 of the Revised Code for the fifth school 1170
year, or any subsequent school year, that the district is 1171
subject to this section and the district does not meet the 1172
qualification in division (N) (1) of this section, the chief 1173
executive officer may exercise any of the powers authorized 1174
under division (H), (I), (J), or (K) (1) of this section. 1175

(M) If division (I), (J), (K), or (L) of this section 1176
applies to a district, community schools, STEM schools, 1177
chartered nonpublic schools, and other school districts that 1178
enroll students residing in the district and meet academic 1179
accountability standards shall be eligible to be paid an 1180
academic performance bonus in each fiscal year for which the 1181
general assembly appropriates funds for that purpose. The 1182
academic performance bonus is intended to give students residing 1183
in the district access to a high-quality education by 1184
encouraging high-quality schools to enroll those students. 1185

(N) (1) When a district subject to this section receives an overall grade of "C" or higher under division (C) (3) of section 3302.03 of the Revised Code, the district shall begin its transition out of being subject to this section. Except as provided in division (N) (2) of this section, the transition period shall last until the district has received an overall grade higher than "F" under division (C) (3) of section 3302.03 of the Revised Code for two consecutive school years after the transition period begins. The overall grade of "C" or higher that qualifies the district to begin the transition period shall not count as one of the two consecutive school years. During the transition period, the conditions described in divisions (F) to (L) of this section for the school year prior to the school year in which the transition period begins shall continue to apply and the chief executive officer shall work closely with the district board and district superintendent to increase their ability to resume control of the district and sustain the district's academic improvement over time. Upon completion of the transition period, the chief executive officer shall relinquish all operational, managerial, and instructional control of the district to the district board and district superintendent and the academic distress commission shall cease to exist.

(2) If the district receives an overall grade of "F" under division (C) (3) of section 3302.03 of the Revised Code at any time during the transition period, the transition period shall end and the district shall be fully subject to this section again. The district shall resume being fully subject to this section at the point it began its transition out of being subject to this section and the division in divisions (H) to (L) of this section that would have applied to the district had the

district not qualified to begin its transition under division 1217
(N) (1) of this section shall apply to the district. 1218

(O) If at any time there are no longer any schools 1219
operated by the district due to reconstitution or other closure 1220
of the district's schools under this section, the academic 1221
distress commission shall cease to exist and the chief executive 1222
officer shall cease to exercise any powers with respect to the 1223
district. 1224

(P) Beginning on the effective date of this section, each 1225
collective bargaining agreement entered into by a school 1226
district board of education under Chapter 4117. of the Revised 1227
Code shall incorporate the provisions of this section. 1228

(Q) The chief executive officer, the members of the 1229
academic distress commission, the state superintendent, and any 1230
person authorized to act on behalf of or assist them shall not 1231
be personally liable or subject to any suit, judgment, or claim 1232
for damages resulting from the exercise of or failure to 1233
exercise the powers, duties, and functions granted to them in 1234
regard to their functioning under this section, but the chief 1235
executive officer, commission, state superintendent, and such 1236
other persons shall be subject to mandamus proceedings to compel 1237
performance of their duties under this section. 1238

(R) The state superintendent shall not exempt any district 1239
from this section by approving an application for an innovative 1240
education pilot program submitted by the district under section 1241
3302.07 of the Revised Code. 1242

Sec. 3302.11. (A) This section applies to any school 1243
district that becomes subject to division (K) of section 3302.10 1244
of the Revised Code, as it exists on and after the effective 1245

date of this section. 1246

(B) As used in this section, "mayor" means the mayor of 1247
the municipality in which a majority of the territory of a 1248
school district to which this section applies is located or, if 1249
no such municipality exist, the mayor of a municipality selected 1250
by the superintendent of public instruction in which the 1251
district has territory. 1252

(C) On the first day of January following the date on 1253
which this section first applies to a school district, the mayor 1254
shall appoint a new five-member board of education for the 1255
district from a slate of candidates nominated by the nominating 1256
panel established under division (D)(1) of this section. 1257

(D)(1) Not later than thirty days after the date on which 1258
this section first applies to a school district, the 1259
superintendent of public instruction shall convene a nominating 1260
panel to nominate candidates for appointment to the district 1261
board of education. The panel shall consist of the following 1262
members: 1263

(a) Two persons appointed by the mayor, one of whom shall 1264
be a representative of the business community or an institution 1265
of higher education located in the district; 1266

(b) One principal employed by the district, who shall be 1267
selected by a vote of the district's principals conducted by the 1268
state superintendent; 1269

(c) One teacher appointed by the bargaining representative 1270
for teachers employed by the district; 1271

(d) One parent of a student enrolled in the district 1272
appointed by the parent-teacher association, or a similar 1273
organization selected by the state superintendent; 1274

(e) The chairperson of the academic distress commission 1275
established for the district under section 3302.10 of the 1276
Revised Code and the chief executive officer appointed under 1277
division (C)(1) of that section, until such time as the 1278
commission ceases to exist. 1279

(2) The state superintendent shall be a nonvoting member 1280
of the panel and shall serve as chairperson of the panel for the 1281
first two years of the panel's existence. After that time, the 1282
panel shall select one of its members as chairperson. The panel 1283
shall meet as necessary to make nominations at the call of the 1284
chairperson. All members of the panel shall serve at the 1285
pleasure of their appointing authority. A vacancy on the panel 1286
shall be filled in the same manner as the initial appointment. 1287

(E) Not later than thirty days after the nominating panel 1288
is convened, the panel shall nominate a slate of at least ten 1289
candidates for possible appointment to the district board of 1290
education. All candidates shall be residents of the school 1291
district and shall hold no elected public office. At least two 1292
of the candidates shall reside outside of the municipal 1293
corporation served by the mayor, if that municipal corporation 1294
does not contain all of the district's territory. 1295

(F) Not later than thirty days after receiving the slate 1296
of candidates, the mayor shall select five members from the 1297
slate for appointment to the district board of education. 1298
Initial members of the board shall take office on the first day 1299
of January following their appointment and their terms shall 1300
expire on the thirtieth day of June following the referendum 1301
election required by division (G)(1) of this section. 1302

(G)(1) At the general election held in the first even- 1303
numbered year occurring at least three years after the date on 1304

which the academic distress commission established for the 1305
district ceases to exist pursuant to division (N) (1) of section 1306
3302.10 of the Revised Code, a referendum election shall be held 1307
to determine if the mayor shall continue to appoint the district 1308
board of education. Not later than ninety days before the 1309
general election, the board of education shall notify the board 1310
of elections of each county containing territory of the district 1311
of the referendum election. At the general election, the 1312
following question shall be submitted to the electors of the 1313
district: 1314

"Shall the mayor of . . . (here insert the name of the 1315
applicable municipal corporation) continue to appoint the 1316
members of the board of education of the . . . (here insert the 1317
name of the school district to which this section applies)?" 1318

The board of elections of the county in which the majority 1319
of the district's territory is located shall make all necessary 1320
arrangements for the submission of the question to the electors, 1321
and the election shall be conducted, canvassed, and certified in 1322
the same manner as regular elections in the district for the 1323
election of county officers, provided that in any such election 1324
in which only part of the electors of a precinct are qualified 1325
to vote, the board of elections may assign voters in such part 1326
to an adjoining precinct. Such an assignment may be made to an 1327
adjoining precinct in another county with the consent and 1328
approval of the board of elections of such other county. Notice 1329
of the election shall be published in a newspaper of general 1330
circulation in the district once a week for two consecutive 1331
weeks, or as provided in section 7.16 of the Revised Code, prior 1332
to the election. If the board of elections operates and 1333
maintains a web site, the board of elections shall post notice 1334
of the election on its web site for thirty days prior to the 1335

election. The notice shall state the question on which the 1336
election is being held. The ballot shall be in the form 1337
prescribed by the secretary of state. Costs of submitting the 1338
question to the electors shall be charged to the district in 1339
accordance with section 3501.17 of the Revised Code. 1340

(2) If a majority of the electors voting on the question 1341
proposed in division (G)(1) of this section approve the 1342
question, the mayor shall appoint a new board of education on 1343
the immediately following first day of July from a slate of 1344
candidates nominated by the nominating panel in the same manner 1345
as the initial board was appointed pursuant to divisions (E) and 1346
(F) of this section. Three of the members of the new board shall 1347
be appointed to four-year terms and two of the members shall be 1348
appointed to two-year terms, each term beginning on the first 1349
day of July. Thereafter, the mayor shall appoint members to 1350
four-year terms in the same manner prescribed in divisions (E) 1351
and (F) of this section. Whenever the nominating panel is 1352
required to nominate a slate of candidates, the panel shall 1353
nominate at least twice the number of candidates as members to 1354
be appointed to the board at that time, including two candidates 1355
who reside outside of the municipal corporation served by the 1356
mayor, if that municipal corporation does not contain all of the 1357
district's territory. Nothing in this division shall preclude 1358
the nominating panel from nominating as a candidate a person who 1359
was a member of the board prior to the referendum election or 1360
shall preclude the mayor from appointing such a person to the 1361
new board. 1362

(3) If a majority of the electors voting on the question 1363
proposed in division (G)(1) of this section disapprove the 1364
question, a new board of education shall be elected at the next 1365
regular election occurring in November of an odd-numbered year. 1366

The board shall have the same number of members as the board in 1367
place prior to the board appointed under this section. At such 1368
election, one-half of the total number of members rounded up to 1369
the next whole number shall be elected for terms of four years 1370
and the remaining members shall be elected for terms of two 1371
years. Thereafter, their successors shall be elected in the same 1372
manner and for the same terms as provided in the Revised Code 1373
for members of boards of education. All members of the board of 1374
education appointed under this section shall continue to serve 1375
after the end of the terms to which they were appointed until 1376
their successors are qualified and assume office in accordance 1377
with section 3313.09 of the Revised Code. 1378

(H) All of the following shall apply to a board of 1379
education appointed under division (F) or (G) (2) of this 1380
section: 1381

(1) At any given time, at least two of the board members 1382
shall have significant expertise in education, finance, or 1383
business management and at least one member shall reside outside 1384
of the municipal corporation served by the mayor, if that 1385
municipal corporation does not contain all of the district's 1386
territory. 1387

(2) The members of the board shall designate one of its 1388
members as the chairperson of the board. The chairperson shall 1389
have all the rights, authority, and duties conferred upon the 1390
president of a board of education by the Revised Code. 1391

(3) The mayor may remove any member of the board with the 1392
advice and consent of the nominating panel. 1393

Sec. 3302.16. (A) (1) As used in sections 3302.17 and 1394
3302.18 of the Revised Code, "community learning center" means a 1395

school operated by a city, exempted village, or local school 1396
district or community school established under Chapter 3314. of 1397
the Revised Code that participates in a coordinated, community- 1398
based effort with community partners to provide comprehensive 1399
educational, developmental, family, and health services to 1400
students, families, and community members during school hours 1401
and hours in which school is not in session. 1402

(2) For purposes of this section and sections 3302.17 and 1403
3302.18 of the Revised Code, "community partner" means a 1404
provider to students, families, or community members of health 1405
care services, on-site resource coordinators, and any other 1406
services or programs determined appropriate by a school action 1407
team created under section 3302.18 of the Revised Code. 1408

(B) Prior to providing health services to a student, a 1409
community learning center shall obtain the written consent of 1410
the student's parent, guardian, or custodian, if the student is 1411
less than eighteen years old, or the written consent of the 1412
student, if the student is at least eighteen years old. 1413

(C) A community learning center and any employee, 1414
contractor, or volunteer of a community learning center shall, 1415
in accordance with all applicable state and federal laws, 1416
maintain the confidentiality of patient-identifying information 1417
obtained in the course of providing health services. 1418

Sec. 3302.17. (A) Any school building operated by a city, 1419
exempted village, or local school district, or a community 1420
school established under Chapter 3314. of the Revised Code is 1421
eligible to initiate the community learning center process as 1422
prescribed by this section. 1423

(B) Beginning with the 2015-2016 school year, each 1424

district board of education or community school governing 1425
authority may initiate a community learning center process for 1426
any school building to which this section applies. 1427

First, the board or governing authority shall conduct a 1428
public information hearing at each school building to which this 1429
section applies to inform the community of the community 1430
learning center process. The board or governing authority may do 1431
all of the following with regard to the public information 1432
hearing: 1433

(1) Announce the meeting not less than forty-five days in 1434
advance at the school and on the school's or district's web 1435
sites and using tools to ensure effective communication with 1436
individuals with disabilities; 1437

(2) Schedule the meeting for an evening or weekend time; 1438

(3) Provide interpretation services and written materials 1439
in all languages spoken by five per cent or more of the students 1440
enrolled in the school; 1441

(4) Provide child care services for parents attending the 1442
meeting; 1443

(5) Provide parents, students, teachers, nonteaching 1444
employees, and community members with the opportunity to speak 1445
at the meeting; 1446

(6) Comply with section 149.43 of the Revised Code. 1447

In preparing for the public information hearing, the board 1448
or governing authority shall ensure that information about the 1449
hearing is broadly distributed throughout the community. 1450

The board or governing authority may enter into an 1451
agreement with any civic engagement organizations, community 1452

organizations, or employee organizations to support the 1453
implementation of the community learning center process. 1454

The board or governing authority shall conduct a follow-up 1455
hearing at least once annually until action is further taken 1456
under the section with respect to the school building or until 1457
the conditions described in division (A) of this section no 1458
longer apply to the school building. 1459

(C) Not sooner than forty-five days after the first public 1460
information hearing, the board or governing authority shall 1461
conduct an election, by paper ballot, to initiate the process to 1462
become a community learning center. Only parents or guardians of 1463
students enrolled in the school and students enrolled in a 1464
different school operated by a joint vocational school district 1465
but are otherwise entitled to attend the school, and teachers 1466
and nonteaching employees who are assigned to the school may 1467
vote in the election. 1468

The board or governing authority shall distribute the 1469
ballots by mail and shall make copies available at the school 1470
and on the web site of the school. The board or governing 1471
authority also may distribute the ballots by directly giving 1472
ballots to teachers and nonteaching employees and sending home 1473
ballots with every student enrolled in the school building. 1474

(D) The board or governing authority shall initiate the 1475
transition of the building to a community learning center if the 1476
results of the election held under division (C) of this section 1477
are as follows: 1478

(1) At least fifty per cent of parents and guardians of 1479
students enrolled in the eligible school building and students 1480
enrolled in a different building operated by a joint vocational 1481

school district but who are entitled to attend the school cast 1482
ballots by a date set by the board or governing authority, and 1483
of those ballots at least sixty-seven per cent are in favor of 1484
initiating the process; and 1485

(2) At least fifty per cent of teachers and nonteaching 1486
employees who are assigned to the school cast ballots by a date 1487
set by the board or governing authority, and of those ballots at 1488
least sixty-seven per cent are in favor of initiating the 1489
process. 1490

(E) If a community learning center process is initiated 1491
under this section, the board or governing authority shall 1492
create a school action team under section 3302.18 of the Revised 1493
Code. Within four months upon selection, the school action team 1494
shall conduct and complete, in consultation with community 1495
partners, a performance audit of the school and review, with 1496
parental input, the needs of the school with regard to 1497
restructuring under section 3302.10, 3302.12, or 3302.042 of the 1498
Revised Code, or federal law. 1499

The school action team shall provide quarterly updates of 1500
its work in a public hearing that complies with the same 1501
specifications prescribed in division (B) of this section. 1502

(F) Upon completion of the audit and review, the school 1503
action team shall present its findings at a public hearing that 1504
complies with the same specifications prescribed in division (B) 1505
of this section. After the school action team presents its 1506
findings at the public hearing, it shall create a community 1507
learning center improvement plan that designates appropriate 1508
interventions, which may be based on the recommendations 1509
developed by the department under division (H) (1) (b) of this 1510
section. 1511

If there is a federally mandated school improvement 1512
planning process, the team shall coordinate its work with that 1513
plan. 1514

The school action team shall approve the plan by a 1515
majority vote. 1516

(G) Upon approval of the plan by the school action team, 1517
the team shall submit the community learning center improvement 1518
plan to the same individuals described in division (C) of this 1519
section. Ballots shall be distributed and an election shall be 1520
conducted in the same manner as indicated under that division. 1521

The school action team shall submit the plan to the 1522
district board of education or community school governing 1523
authority, if the results of the election under division (G) of 1524
this section are as follows: 1525

(1) At least thirty per cent of parents and guardians of 1526
students enrolled in the eligible school building and students 1527
enrolled in a different building operated by a joint vocational 1528
school district but who are entitled to attend the school cast 1529
ballots by a date set by the board or governing authority, and 1530
of those ballots at least fifty per cent are in favor of 1531
initiating the process; and 1532

(2) At least thirty per cent of teachers and nonteaching 1533
employees who are assigned to the school cast ballots by a date 1534
set by the board or governing authority, and of those ballots at 1535
least fifty per cent are in favor of initiating the process. 1536

The board or governing authority shall evaluate the plan 1537
and determine whether to adopt it. The board or governing 1538
authority shall adopt the plan in full or adopt portions of the 1539
plan. If the board or governing authority does not adopt the 1540

plan in full, it shall provide a written explanation of why 1541
portions of the plan were rejected. 1542

(H) (1) The department shall do all of the following with 1543
respect to this section: 1544

(a) Adopt rules regarding the elections required under 1545
this section; 1546

(b) Develop appropriate interventions for a community 1547
learning center improvement plan that may be used by a school 1548
action team under division (F) of this section; 1549

(c) Publish a menu of programs and services that may be 1550
offered by community learning centers. The information shall be 1551
posted on the department's web site. To compile this information 1552
the department shall solicit input from resource coordinators of 1553
existing community learning centers; 1554

(d) Provide information regarding implementation of 1555
comprehensive community-based programs and supportive services 1556
including the community learning center model to school 1557
buildings meeting any of the following conditions: 1558

(i) The building is in improvement status as defined by 1559
the "No Child Left Behind Act of 2001" or under an agreement 1560
between the Ohio department of education and the United States 1561
secretary of education. 1562

(ii) The building is a secondary school that is among the 1563
lowest achieving fifteen per cent of secondary schools 1564
statewide, as determined by the department. 1565

(iii) The building is a secondary school with a graduation 1566
rate of sixty per cent or lower for three or more consecutive 1567
years. 1568

(iv) The building is a school that the department 1569
determines is persistently low-performing. 1570

(2) The department may do the following with respect to 1571
this section: 1572

(a) Provide assistance, facilitation, and training to 1573
school action teams in the conducting of the audit required 1574
under this section; 1575

(b) Provide opportunities for members of school action 1576
teams from different schools to share school improvement 1577
strategies with parents, teachers, and other relevant 1578
stakeholders in higher performing schools; 1579

(c) Provide financial support in a school action team's 1580
planning process and create a grant program to assist in the 1581
implementation of a qualified community learning center plan. 1582

(I) Notwithstanding any provision to the contrary in 1583
Chapter 4117. of the Revised Code, the requirements of this 1584
section prevail over any conflicting provisions of a collective 1585
bargaining agreement entered into on or after the effective date 1586
of this section. However, the board or governing authority and 1587
the teachers' labor organization may negotiate additional 1588
factors to be considered in the adoption of a community learning 1589
center plan. 1590

Sec. 3302.18. (A) (1) If a community learning center 1591
process is initiated under section 3302.17 of the Revised Code 1592
for any school building operated by a city, exempted village, or 1593
local school district or a community school established under 1594
Chapter 3314. of the Revised Code, the district board of 1595
education or community school governing authority shall create a 1596
school action team for the school building. The team shall 1597

consist of twelve members, as follows: 1598

(a) Seven individuals, consisting of parents or guardians 1599
of students enrolled in the school and members of the community 1600
who are not teachers or nonteaching employees, as elected by 1601
their peers; 1602

(b) Five teachers and nonteaching employees who are 1603
assigned to the school building and are not parents or guardians 1604
of students enrolled in the school, as elected by their peers. 1605

(2) To assist a school action team initiated under section 1606
3302.17 of the Revised Code, the district board, community 1607
school governing authority, or community partner shall select an 1608
individual who is employed by the district, school, or community 1609
partner to serve as the resource coordinator for the community 1610
learning center. The school action team shall make 1611
recommendations to the board, governing authority, or community 1612
partner on potential candidates. The resource coordinator shall 1613
not be considered a member of a school action team. The resource 1614
coordinator shall assist in the development and coordination of 1615
programs and services for the community learning center. 1616

(B) All members of a school action team shall serve as 1617
voting members. Terms of office shall be for three years, and 1618
vacancies shall be filled in the same manner as the original 1619
appointment. 1620

Members shall serve without compensation. 1621

(C) In addition to the responsibilities listed in section 1622
3302.17 of the Revised Code, the school action team shall do all 1623
of the following: 1624

(1) Monitor and assist in the implementation of the school 1625
improvement plan, if adopted; 1626

(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; 1627
1628
1629
1630

(3) Advise on school budgets; 1631

(4) Establish ongoing mechanisms that engage students, parents, and community members in the school; 1632
1633

(5) Continue to collect feedback and information from parents using an annual survey; 1634
1635

(6) Develop and approve a written parent involvement policy that outlines the role of parents and guardians in the school; 1636
1637
1638

(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; 1639
1640
1641
1642
1643

(8) Receive regular updates from the principal on policy matters affecting the school and provide advice on such matters; 1644
1645

(9) Meet regularly with parents and community members to discuss policy matters affecting the school. 1646
1647

Sec. 3310.02. (A) The educational choice scholarship pilot program is hereby established. Under the program, the department of education annually shall pay scholarships to attend chartered nonpublic schools in accordance with section 3310.08 of the Revised Code for up to the following number of eligible students: 1648
1649
1650
1651
1652
1653

(1) Thirty thousand in the 2011-2012 school year; 1654

(2) Sixty thousand in the 2012-2013 school year and 1655
thereafter. 1656

(B) If the number of students who apply for a scholarship 1657
exceeds the number of scholarships available under division (A) 1658
of this section for the applicable school year, the department 1659
shall award scholarships in the following order of priority: 1660

(1) First, to eligible students who received scholarships 1661
in the prior school year; 1662

(2) Second, to eligible students with family incomes at or 1663
below two hundred per cent of the federal poverty guidelines, as 1664
defined in section 5101.46 of the Revised Code, who qualify 1665
under ~~division~~ divisions (A) and (E) of section 3310.03 of the 1666
Revised Code. If the number of students described in division 1667
(B) (2) of this section who apply for a scholarship exceeds the 1668
number of available scholarships after awards are made under 1669
division (B) (1) of this section, the department shall select 1670
students described in division (B) (2) of this section by lot to 1671
receive any remaining scholarships. 1672

(3) Third, to other eligible students who qualify under 1673
~~division~~ divisions (A) and (E) of section 3310.03 of the Revised 1674
Code. If the number of students described in division (B) (3) of 1675
this section who apply for a scholarship exceeds the number of 1676
available scholarships after awards are made under divisions (B) 1677
(1) and (2) of this section, the department shall select 1678
students described in division (B) (3) of this section by lot to 1679
receive any remaining scholarships. 1680

(4) Fourth, to eligible students with family incomes at or 1681
below two hundred per cent of the federal poverty guidelines who 1682
qualify under division (D) of section 3310.03 of the Revised 1683

Code. If the number of students described in division (B) (4) of 1684
this section who apply for a scholarship exceeds the number of 1685
available scholarships after awards are made under divisions (B) 1686
(1) to (3) of this section, the department shall select students 1687
described in division (B) (4) of this section by lot to receive 1688
any remaining scholarships. 1689

(5) Fifth, to other eligible students who qualify under 1690
division (D) of section 3310.03 of the Revised Code. If the 1691
number of students described in division (B) (5) of this section 1692
who apply for a scholarship exceeds the number of available 1693
scholarships after awards are made under divisions (B) (1) to (4) 1694
of this section, the department shall select students described 1695
in division (B) (5) of this section by lot to receive any 1696
remaining scholarships. 1697

(6) Sixth, to eligible students with family incomes at or 1698
below two hundred per cent of the federal poverty guidelines who 1699
qualify under division (B) of section 3310.03 of the Revised 1700
Code. If the number of students described in division (B) (6) of 1701
this section who apply for a scholarship exceeds the number of 1702
available scholarships after awards are made under divisions (B) 1703
(1) to (5) of this section, the department shall select students 1704
described in division (B) (6) of this section by lot to receive 1705
any remaining scholarships. 1706

(7) Seventh, to other eligible students who qualify under 1707
division (B) of section 3310.03 of the Revised Code. If the 1708
number of students described in division (B) (7) of this section 1709
who apply for a scholarship exceeds the number of available 1710
scholarships after awards are made under divisions (B) (1) to (6) 1711
of this section, the department shall select students described 1712
in division (B) (7) of this section by lot to receive any 1713

remaining scholarships. 1714

Sec. 3310.03. A student is an "eligible student" for 1715
purposes of the educational choice scholarship pilot program if 1716
the student's resident district is not a school district in 1717
which the pilot project scholarship program is operating under 1718
sections 3313.974 to 3313.979 of the Revised Code and the 1719
student satisfies one of the conditions in division (A), (B), 1720
(C), ~~or (D)~~, or (E) of this section: 1721

(A) (1) The student is enrolled in a school building 1722
operated by the student's resident district that, on the report 1723
card issued under section 3302.03 of the Revised Code published 1724
prior to the first day of July of the school year for which a 1725
scholarship is sought, did not receive a rating as described in 1726
division (H) of this section, and to which any or a combination 1727
of any of the following apply for two of the three most recent 1728
report cards published prior to the first day of July of the 1729
school year for which a scholarship is sought: 1730

(a) The building was declared to be in a state of academic 1731
emergency or academic watch under section 3302.03 of the Revised 1732
Code as that section existed prior to March 22, 2013. 1733

(b) The building received a grade of "D" or "F" for the 1734
performance index score under division (A) (1) (b) or (B) (1) (b) of 1735
section 3302.03 of the Revised Code and for the value-added 1736
progress dimension under division (A) (1) (e) or (B) (1) (e) of 1737
section 3302.03 of the Revised Code for the 2012-2013 or 2013- 1738
2014 school year, or both; or if the building serves only grades 1739
ten through twelve, the building received a grade of "D" or "F" 1740
for the performance index score under division (A) (1) (b) or (B) 1741
(1) (b) of section 3302.03 of the Revised Code and had a four- 1742
year adjusted cohort graduation rate of less than seventy-five 1743

per cent. 1744

(c) The building received an overall grade of "D" or "F" 1745
under division (C) (3) of section 3302.03 of the Revised Code or 1746
a grade of "F" for the value-added progress dimension under 1747
division (C) (1) (e) of section 3302.03 of the Revised Code for 1748
the 2014-2015 school year or any school year thereafter. 1749

(2) The student will be enrolling in any of grades 1750
kindergarten through twelve in this state for the first time in 1751
the school year for which a scholarship is sought, will be at 1752
least five years of age by the first day of January of the 1753
school year for which a scholarship is sought, and otherwise 1754
would be assigned under section 3319.01 of the Revised Code in 1755
the school year for which a scholarship is sought, to a school 1756
building described in division (A) (1) of this section. 1757

(3) The student is enrolled in a community school 1758
established under Chapter 3314. of the Revised Code but 1759
otherwise would be assigned under section 3319.01 of the Revised 1760
Code to a building described in division (A) (1) of this section. 1761

(4) The student is enrolled in a school building operated 1762
by the student's resident district or in a community school 1763
established under Chapter 3314. of the Revised Code and 1764
otherwise would be assigned under section 3319.01 of the Revised 1765
Code to a school building described in division (A) (1) of this 1766
section in the school year for which the scholarship is sought. 1767

(5) The student will be both enrolling in any of grades 1768
kindergarten through twelve in this state for the first time and 1769
at least five years of age by the first day of January of the 1770
school year for which a scholarship is sought, or is enrolled in 1771
a community school established under Chapter 3314. of the 1772

Revised Code, and all of the following apply to the student's
resident district: 1773
1774

(a) The district has in force an intradistrict open 1775
enrollment policy under which no student in the student's grade 1776
level is automatically assigned to a particular school building; 1777

(b) In the most recent rating published prior to the first 1778
day of July of the school year for which scholarship is sought, 1779
the district did not receive a rating described in division (H) 1780
of this section, and in at least two of the three most recent 1781
report cards published prior to the first day of July of that 1782
school year, any or a combination of the following apply to the 1783
district: 1784

(i) The district was declared to be in a state of academic 1785
emergency under section 3302.03 of the Revised Code as it 1786
existed prior to March 22, 2013. 1787

(ii) The district received a grade of "D" or "F" for the 1788
performance index score under division (A) (1) (b) or (B) (1) (b) of 1789
section 3302.03 of the Revised Code and for the value-added 1790
progress dimension under division (A) (1) (e) or (B) (1) (e) of 1791
section 3302.03 of the Revised Code for the 2012-2013 or 2013- 1792
2014 school year, or both. 1793

(c) The district received an overall grade of "D" or "F" 1794
under division (C) (3) of section 3302.03 of the Revised Code or 1795
a grade of "F" for the value-added progress dimension under 1796
division (C) (1) (e) of section 3302.03 of the Revised Code for 1797
the 2014-2015 school year or any school year thereafter. 1798

(6) Beginning in the 2016-2017 school year, the student is 1799
enrolled in or will be enrolling in a building in the school 1800
year for which the scholarship is sought that serves any of 1801

grades nine through twelve and that received a grade of "D" or 1802
"F" for the four-year adjusted cohort graduation rate under 1803
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of section 3302.03 1804
of the Revised Code in two of the three most recent report cards 1805
published prior to the first day of July of the school year for 1806
which a scholarship is sought. 1807

(B) (1) The student is enrolled in a school building 1808
operated by the student's resident district and to which both of 1809
the following apply: 1810

(a) The building was ranked, for at least two of the three 1811
most recent rankings published under section 3302.21 of the 1812
Revised Code prior to the first day of July of the school year 1813
for which a scholarship is sought, in the lowest ten per cent of 1814
all public school buildings according to performance index score 1815
under section 3302.21 of the Revised Code. 1816

(b) The building was not declared to be excellent or 1817
effective, or the equivalent of such ratings as determined by 1818
the department of education, under section 3302.03 of the 1819
Revised Code in the most recent rating published prior to the 1820
first day of July of the school year for which a scholarship is 1821
sought. 1822

(2) The student will be enrolling in any of grades 1823
kindergarten through twelve in this state for the first time in 1824
the school year for which a scholarship is sought, will be at 1825
least five years of age, as defined in section 3321.01 of the 1826
Revised Code, by the first day of January of the school year for 1827
which a scholarship is sought, and otherwise would be assigned 1828
under section 3319.01 of the Revised Code in the school year for 1829
which a scholarship is sought, to a school building described in 1830
division (B) (1) of this section. 1831

(3) The student is enrolled in a community school 1832
established under Chapter 3314. of the Revised Code but 1833
otherwise would be assigned under section 3319.01 of the Revised 1834
Code to a building described in division (B)(1) of this section. 1835

(4) The student is enrolled in a school building operated 1836
by the student's resident district or in a community school 1837
established under Chapter 3314. of the Revised Code and 1838
otherwise would be assigned under section 3319.01 of the Revised 1839
Code to a school building described in division (B)(1) of this 1840
section in the school year for which the scholarship is sought. 1841

(C) The student is enrolled in a nonpublic school at the 1842
time the school is granted a charter by the state board of 1843
education under section 3301.16 of the Revised Code and the 1844
student meets the standards of division (B) of section 3310.031 1845
of the Revised Code. 1846

(D) For the 2016-2017 school year and each school year 1847
thereafter, the student is in any of grades kindergarten through 1848
three, is enrolled in a school building that is operated by the 1849
student's resident district or will be enrolling in any of 1850
grades kindergarten through twelve in this state for the first 1851
time in the school year for which a scholarship is sought, and 1852
to which both of the following apply: 1853

(1) The building, in at least two of the three most recent 1854
ratings of school buildings published prior to the first day of 1855
July of the school year for which a scholarship is sought, 1856
received a grade of "D" or "F" for making progress in improving 1857
literacy in grades kindergarten through three under division (B) 1858
(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code; 1859

(2) The building did not receive a grade of "A" for making 1860

progress in improving literacy in grades kindergarten through 1861
three under division (B) (1) (g) or (C) (1) (g) of section 3302.03 1862
of the Revised Code in the most recent rating published prior to 1863
the first day of July of the school year for which a scholarship 1864
is sought. 1865

(E) The student's resident district is subject to section 1866
3302.10 of the Revised Code and the student either: 1867

(1) Is enrolled in a school building operated by the 1868
resident district or in a community school established under 1869
Chapter 3314. of the Revised Code; 1870

(2) Will be both enrolling in any of grades kindergarten 1871
through twelve in this state for the first time and at least 1872
five years of age by the first day of January of the school year 1873
for which a scholarship is sought. 1874

(F) A student who receives a scholarship under the 1875
educational choice scholarship pilot program remains an eligible 1876
student and may continue to receive scholarships in subsequent 1877
school years until the student completes grade twelve, so long 1878
as all of the following apply: 1879

(1) The student's resident district remains the same, or 1880
the student transfers to a new resident district and otherwise 1881
would be assigned in the new resident district to a school 1882
building described in division (A) (1), (B) (1), ~~or (D)~~, or (E) of 1883
this section; 1884

(2) The student takes each assessment prescribed for the 1885
student's grade level under section 3301.0710 or 3301.0712 of 1886
the Revised Code while enrolled in a chartered nonpublic school; 1887

(3) In each school year that the student is enrolled in a 1888
chartered nonpublic school, the student is absent from school 1889

for not more than twenty days that the school is open for 1890
instruction, not including excused absences. 1891

~~(F)~~(G) (1) The department shall cease awarding first-time 1892
scholarships pursuant to divisions (A) (1) to (4) of this section 1893
with respect to a school building that, in the most recent 1894
ratings of school buildings published under section 3302.03 of 1895
the Revised Code prior to the first day of July of the school 1896
year, ceases to meet the criteria in division (A) (1) of this 1897
section. The department shall cease awarding first-time 1898
scholarships pursuant to division (A) (5) of this section with 1899
respect to a school district that, in the most recent ratings of 1900
school districts published under section 3302.03 of the Revised 1901
Code prior to the first day of July of the school year, ceases 1902
to meet the criteria in division (A) (5) of this section. 1903

(2) The department shall cease awarding first-time 1904
scholarships pursuant to divisions (B) (1) to (4) of this section 1905
with respect to a school building that, in the most recent 1906
ratings of school buildings under section 3302.03 of the Revised 1907
Code prior to the first day of July of the school year, ceases 1908
to meet the criteria in division (B) (1) of this section. 1909

(3) The department shall cease awarding first-time 1910
scholarships pursuant to division (D) of this section with 1911
respect to a school building that, in the most recent ratings of 1912
school buildings under section 3302.03 of the Revised Code prior 1913
to the first day of July of the school year, ceases to meet the 1914
criteria in division (D) of this section. 1915

(4) The department shall cease awarding first-time 1916
scholarships pursuant to division (E) of this section with 1917
respect to a school district subject to section 3302.10 of the 1918
Revised Code when the academic distress commission established 1919

for the district ceases to exist. 1920

(5) However, students who have received scholarships in 1921
the prior school year remain eligible students pursuant to 1922
division ~~(E)~~(F) of this section. 1923

~~(G)~~(H) The state board of education shall adopt rules 1924
defining excused absences for purposes of division ~~(E)~~(F) (3) of 1925
this section. 1926

~~(H)~~(I) (1) A student who satisfies only the conditions 1927
prescribed in divisions (A) (1) to (4) of this section shall not 1928
be eligible for a scholarship if the student's resident building 1929
meets any of the following in the most recent rating under 1930
section 3302.03 of the Revised Code published prior to the first 1931
day of July of the school year for which a scholarship is 1932
sought: 1933

(a) The building has an overall designation of excellent 1934
or effective under section 3302.03 of the Revised Code as it 1935
existed prior to March 22, 2013. 1936

(b) For the 2012-2013 or 2013-2014 school year or both, 1937
the building has a grade of "A" or "B" for the performance index 1938
score under division (A) (1) (b) or (B) (1) (b) of section 3302.03 1939
of the Revised Code and for the value-added progress dimension 1940
under division (A) (1) (e) or (B) (1) (e) of section 3302.03 of the 1941
Revised Code; or if the building serves only grades ten through 1942
twelve, the building received a grade of "A" or "B" for the 1943
performance index score under division (A) (1) (b) or (B) (1) (b) of 1944
section 3302.03 of the Revised Code and had a four-year adjusted 1945
cohort graduation rate of greater than or equal to seventy-five 1946
per cent. 1947

(c) For the 2014-2015 school year or any school year 1948

thereafter, the building has a grade of "A" or "B" under 1949
division (C) (3) of section 3302.03 of the Revised Code and a 1950
grade of "A" for the value-added progress dimension under 1951
division (C) (1) (e) of section 3302.03 of the Revised Code; or if 1952
the building serves only grades ten through twelve, the building 1953
received a grade of "A" or "B" for the performance index score 1954
under division (C) (1) (b) of section 3302.03 of the Revised Code 1955
and had a four-year adjusted cohort graduation rate of greater 1956
than or equal to seventy-five per cent. 1957

(2) A student who satisfies only the conditions prescribed 1958
in division (A) (5) of this section shall not be eligible for a 1959
scholarship if the student's resident district meets any of the 1960
following in the most recent rating under section 3302.03 of the 1961
Revised Code published prior to the first day of July of the 1962
school year for which a scholarship is sought: 1963

(a) The district has an overall designation of excellent 1964
or effective under section 3302.03 of the Revised Code as it 1965
existed prior to March 22, 2013. 1966

(b) The district has a grade of "A" or "B" for the 1967
performance index score under division (A) (1) (b) or (B) (1) (b) of 1968
section 3302.03 of the Revised Code and for the value-added 1969
progress dimension under division (A) (1) (e) or (B) (1) (e) of 1970
section 3302.03 of the Revised Code for the 2012-2013 and 2013- 1971
2014 school years. 1972

(c) The district has an overall grade of "A" or "B" under 1973
division (C) (3) of section 3302.03 of the Revised Code and a 1974
grade of "A" for the value-added progress dimension under 1975
division (C) (1) (e) of section 3302.03 of the Revised Code for 1976
the 2014-2015 school year or any school year thereafter. 1977

Sec. 3310.032. (A) A student is an "eligible student" for 1978
purposes of the expansion of the educational choice scholarship 1979
pilot program under this section if the student's resident 1980
district is not a school district in which the pilot project 1981
scholarship program is operating under sections 3313.974 to 1982
3313.979 of the Revised Code, the student is not eligible for an 1983
educational choice scholarship under section 3310.03 of the 1984
Revised Code, and the student's family income is at or below two 1985
hundred per cent of the federal poverty guidelines, as defined 1986
in section 5101.46 of the Revised Code. 1987

(B) In each fiscal year for which the general assembly 1988
appropriates funds for purposes of this section, the department 1989
of education shall pay scholarships to attend chartered 1990
nonpublic schools in accordance with section 3310.08 of the 1991
Revised Code. The number of scholarships awarded under this 1992
section shall not exceed the number that can be funded with 1993
appropriations made by the general assembly for this purpose. 1994

(C) Scholarships under this section shall be awarded as 1995
follows: 1996

(1) For the 2013-2014 school year, to eligible students 1997
who are entering kindergarten in that school year for the first 1998
time; 1999

(2) For each subsequent school year, scholarships shall be 2000
awarded to eligible students in the next grade level above the 2001
highest grade level awarded in the preceding school year, in 2002
addition to the grade levels for which students received 2003
scholarships in the preceding school year. 2004

(D) If the number of eligible students who apply for a 2005
scholarship under this section exceeds the scholarships 2006

available based on the appropriation for this section, the 2007
department shall award scholarships in the following order of 2008
priority: 2009

(1) First, to eligible students who received scholarships 2010
under this section in the prior school year; 2011

(2) Second, to eligible students with family incomes at or 2012
below one hundred per cent of the federal poverty guidelines. If 2013
the number of students described in division (D)(2) of this 2014
section who apply for a scholarship exceeds the number of 2015
available scholarships after awards are made under division (D) 2016
(1) of this section, the department shall select students 2017
described in division (D)(2) of this section by lot to receive 2018
any remaining scholarships. 2019

(3) Third, to other eligible students who qualify under 2020
this section. If the number of students described in division 2021
(D)(3) of this section exceeds the number of available 2022
scholarships after awards are made under divisions (D)(1) and 2023
(2) of this section, the department shall select students 2024
described in division (D)(3) of this section by lot to receive 2025
any remaining scholarships. 2026

(E) Subject to divisions (E)(1) to (3) of this section, a 2027
student who receives a scholarship under this section remains an 2028
eligible student and may continue to receive scholarships under 2029
this section in subsequent school years until the student 2030
completes grade twelve, so long as the student satisfies the 2031
conditions specified in divisions ~~(E)~~(F)(2) and (3) of section 2032
3310.03 of the Revised Code. 2033

Once a scholarship is awarded under this section, the 2034
student shall remain eligible for that scholarship for the 2035

current school year and subsequent school years even if the 2036
student's family income rises above the amount specified in 2037
division (A) of this section, provided the student remains 2038
enrolled in a chartered nonpublic school, however: 2039

(1) If the student's family income is above two hundred 2040
per cent but at or below three hundred per cent of the federal 2041
poverty guidelines, the student shall receive a scholarship in 2042
the amount of seventy-five per cent of the full scholarship 2043
amount. 2044

(2) If the student's family income is above three hundred 2045
per cent but at or below four hundred per cent of the federal 2046
poverty guidelines, the student shall receive a scholarship in 2047
the amount of fifty per cent of the full scholarship amount. 2048

(3) If the student's family income is above four hundred 2049
per cent of the federal poverty guidelines, the student is no 2050
longer eligible to receive an educational choice scholarship. 2051

Sec. 3310.035. (A) A student who is eligible for an 2052
educational choice scholarship under both sections 3310.03 and 2053
3310.032 of the Revised Code, and applies for a scholarship for 2054
the first time after ~~the effective date of this section~~ 2055
September 29, 2013, shall receive a scholarship under section 2056
3310.03 of the Revised Code. 2057

(B) A student who is eligible under both sections 3310.03 2058
and 3310.032 of the Revised Code and received a scholarship in 2059
the previous school year shall continue to receive the 2060
scholarship under the section from which the student received 2061
the scholarship in the previous school year, so long as: 2062

(1) The number of students who apply for a scholarship 2063
does not exceed the number of scholarships available under 2064

division (A) of section 3310.02 of the Revised Code. 2065

(2) A student who receives a scholarship under section 2066
3310.03 of the Revised Code satisfies with the conditions 2067
specified in divisions ~~(E)~~ (F) (1) to (3) of that section, and a 2068
student who receives a scholarship under section 3310.032 2069
satisfies with the conditions specified in divisions (E) (2) and 2070
(3) of section 3310.03 of the Revised Code. 2071

Sec. 3311.29. (A) Except as provided under division (B) ~~or~~ 2072
(C), or (D) of this section, no school district shall be 2073
created and no school district shall exist which does not 2074
maintain within such district public schools consisting of 2075
grades kindergarten through twelve and any such existing school 2076
district not maintaining such schools shall be dissolved and its 2077
territory joined with another school district or districts by 2078
order of the state board of education if no agreement is made 2079
among the surrounding districts voluntarily, which order shall 2080
provide an equitable division of the funds, property, and 2081
indebtedness of the dissolved school district among the 2082
districts receiving its territory. The state board of education 2083
may authorize exceptions to school districts where topography, 2084
sparsity of population, and other factors make compliance 2085
impracticable. 2086

The superintendent of public instruction is without 2087
authority to distribute funds under Chapter 3317. of the Revised 2088
Code to any school district that does not maintain schools with 2089
grades kindergarten through twelve and to which no exception has 2090
been granted by the state board of education. 2091

(B) Division (A) of this section does not apply to any 2092
joint vocational school district or any cooperative education 2093
school district established pursuant to divisions (A) to (C) of 2094

section 3311.52 of the Revised Code. 2095

(C) (1) (a) Except as provided in division (C) (3) of this 2096
section, division (A) of this section does not apply to any 2097
cooperative education school district established pursuant to 2098
section 3311.521 of the Revised Code nor to the city, exempted 2099
village, or local school districts that have territory within 2100
such a cooperative education district. 2101

(b) The cooperative district and each city, exempted 2102
village, or local district with territory within the cooperative 2103
district shall maintain the grades that the resolution adopted 2104
or amended pursuant to section 3311.521 of the Revised Code 2105
specifies. 2106

(2) Any cooperative education school district described 2107
under division (C) (1) of this section that fails to maintain the 2108
grades it is specified to operate shall be dissolved by order of 2109
the state board of education unless prior to such an order the 2110
cooperative district is dissolved pursuant to section 3311.54 of 2111
the Revised Code. Any such order shall provide for the equitable 2112
adjustment, division, and disposition of the assets, property, 2113
debts, and obligations of the district among each city, local, 2114
and exempted village school district whose territory is in the 2115
cooperative district and shall provide that the tax duplicate of 2116
each city, local, and exempted village school district whose 2117
territory is in the cooperative district shall be bound for and 2118
assume its share of the outstanding indebtedness of the 2119
cooperative district. 2120

(3) If any city, exempted village, or local school 2121
district described under division (C) (1) of this section fails 2122
to maintain the grades it is specified to operate the 2123
cooperative district within which it has territory shall be 2124

dissolved in accordance with division (C) (2) of this section and 2125
upon that dissolution any city, exempted village, or local 2126
district failing to maintain grades kindergarten through twelve 2127
shall be subject to the provisions for dissolution in division 2128
(A) of this section. 2129

(D) Division (A) of this section does not apply to any 2130
school district that is or has ever been subject to section 2131
3302.10 of the Revised Code, as it exists on and after the 2132
effective date of this amendment, and has had a majority of its 2133
schools reconstituted or closed under that section. 2134

Sec. 3314.102. (A) As used in this section, ~~"municipal~~; 2135

(1) "Chief executive officer" means a chief executive 2136
officer appointed by an academic distress commission pursuant to 2137
section 3302.10 of the Revised Code. 2138

(2) "Municipal school district" and "mayor" have the same 2139
meanings as in section 3311.71 of the Revised Code. 2140

(B) Notwithstanding section 3314.10 and sections 4117.03 2141
to 4117.18 of the Revised Code and Section 4 of Amended 2142
Substitute Senate Bill No. 133 of the 115th general assembly, 2143
the employees of a conversion community school that is sponsored 2144
by the board of education of a municipal school district or a 2145
school district for which an academic distress commission has 2146
been established under section 3302.10 of the Revised Code shall 2147
cease to be subject to any future collective bargaining 2148
agreement, if the mayor or chief executive officer submits to 2149
the board of education sponsoring the school and to the state 2150
employment relations board a statement requesting that all 2151
employees of the community school be removed from a collective 2152
bargaining unit. The employees of the community school who are 2153

covered by a collective bargaining agreement in effect on the 2154
date the mayor or chief executive officer submits the statement 2155
shall remain subject to that collective bargaining agreement 2156
until the collective bargaining agreement expires on its terms. 2157
Upon expiration of that collective bargaining agreement, the 2158
employees of that school are not subject to Chapter 4117. of the 2159
Revised Code and may not organize or collectively bargain 2160
pursuant to that chapter. 2161

Section 2. That existing sections 133.06, 3302.01, 2162
3302.036, 3302.04, 3310.02, 3310.03, 3310.032, 3310.035, 2163
3311.29, and 3314.102 and section 3302.10 of the Revised Code 2164
are hereby repealed. 2165

Section 3. It is not the intent of this act to impact or 2166
otherwise limit any provisions of state law relating to parental 2167
consent for an abortion. 2168

Section 4. Notwithstanding the repeal of section 3302.10 2169
of the Revised Code by this act, if an academic distress 2170
commission established for a school district under that former 2171
section is still in existence on the effective date of this 2172
section and the district does not qualify for an academic 2173
distress commission under section 3302.10 of the Revised Code as 2174
it exists on and after the effective date of this section, the 2175
district shall remain subject to former section 3302.10 of the 2176
Revised Code as it existed prior to the effective date of this 2177
section until the commission established for the district ceases 2178
to exist pursuant to division (L) of that former section or the 2179
district qualifies for an academic distress commission under 2180
section 3302.10 of the Revised Code as it exists on and after 2181
the effective date of this section. 2182

Section 5. Not later than January 15, 2016, the 2183

Superintendent of Public Instruction shall submit to the General 2184
Assembly recommendations regarding academic performance bonus 2185
payments to school districts; community schools; science, 2186
technology, engineering, and mathematics schools; and chartered 2187
nonpublic schools under division (M) of section 3302.10 of the 2188
Revised Code as enacted by this act. The recommendations shall 2189
address the following: 2190

(A) The amount of the academic performance bonus payments; 2191

(B) A method for distributing the academic performance 2192
bonus payments in conjunction with payments for: 2193

(1) Open enrollment under section 3313.98 of the Revised 2194
Code; 2195

(2) Educational choice scholarships awarded under sections 2196
3310.01 to 3310.17 of the Revised Code; 2197

(3) Community school funding under section 3314.08 of the 2198
Revised Code; 2199

(4) STEM school funding under section 3326.33 of the 2200
Revised Code. 2201

(C) The measures and expectations of academic 2202
accountability required for districts and schools to receive the 2203
academic performance bonus payments. 2204

Section 6. (A) If the requirement to assign an overall 2205
letter grade for school districts under division (C) of section 2206
3302.03 of the Revised Code is delayed beyond the report card 2207
issued for the 2015-2016 school year, the Department of 2208
Education shall use the following equivalencies for the purposes 2209
of section 3302.10 of the Revised Code until such time as the 2210
Department is authorized to assign an overall letter grade for 2211

districts: 2212

(1) A combination of a grade of "C" or higher for the 2213
performance index score and a grade of "C" or higher for the 2214
value-added progress dimension under division (C) of section 2215
3302.03 of the Revised Code shall be equivalent to an overall 2216
letter grade of "C" or higher. 2217

(2) A combination of a grade of "F" for the performance 2218
index score and a grade of "F" for the value-added progress 2219
dimension under division (C) of section 3302.03 of the Revised 2220
Code shall be equivalent to an overall letter grade of "F." 2221

(B) The equivalencies established in this section shall 2222
not be used for any purpose other than as prescribed in this 2223
section. 2224

Section 7. Section 133.06 of the Revised Code is presented 2225
in this act as a composite of the section as amended by both Am. 2226
Sub. H.B. 483 and Am. Sub. H.B. 487 of the 130th General 2227
Assembly. The General Assembly, applying the principle stated in 2228
division (B) of section 1.52 of the Revised Code that amendments 2229
are to be harmonized if reasonably capable of simultaneous 2230
operation, finds that the composite is the resulting version of 2231
the section in effect prior to the effective date of the section 2232
as presented in this act. 2233