

OHIO

SENATE

JOURNAL

CORRECTED VERSION
WEDNESDAY, OCTOBER 7, 2015

NINETY-EIGHTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, October 7, 2015, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Rabbi Stephen Grundfast, Beth Al Congregation in Akron, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of the last legislative day was read and approved.

The following guests were recognized by the Senate prior to the commencement of business:

President Faber invited Senator LaRose's guest, Deputy Speaker Hilik Bar from the Israeli Knesset, to address the Senate.

Senator Hite recognized Ali Hernandez on winning the 2015 National Wrestling Association for Youth tournament.

Senator Obhof recognized The Gazette as the 2015 Best Newspaper in Ohio.

**REPORTS OF REFERENCE AND BILLS FOR SECOND
CONSIDERATION**

Senator Faber reports for the standing committee on Rules and Reference, recommending that the following bills and resolutions, standing in order for second consideration, be referred to committee as recommended:

H. C. R. No. 11 -Representative Hall, et al.

To commend Governor John Kasich, Ohio's agricultural community, and Ohio's environmental advocacy and research organizations on their efforts to improve the water quality of Lake Erie and to affirm the Governor's ability to form an interstate compact with other states in furtherance of this objective.

To the Committee on Agriculture.

H. B. No. 34 -Representatives Retherford, Boose, et al.

To enact sections 190.01 and 190.02 of the Revised Code to enter into the Health Care Compact.

To the Committee on Government Oversight and Reform.

Sub. H. B. No. 56 -Representatives Schuring, Slesnick, et al.

To amend sections 124.11, 124.34, 329.021, 2953.36, 4121.121, 5123.08, and 5139.02 and to enact section 9.73 of the Revised Code to prohibit public employers from including on an employment application any question concerning the criminal background of the applicant, to prohibit a felony conviction from being used against an officer or employee when a public employer is undertaking certain employment practices, unless the conviction occurs while the officer or employee is employed in the civil service, and to remove the bar against sealing a conviction record when the victim is 16 or 17 years old.

To the Committee on State and Local Government.

Am. H. B. No. 92 -Representative Hagan, et al.

To amend section 2907.03 of the Revised Code to prohibit an employee of a public or nonpublic school or institution of higher education who is not in a position of authority from engaging in sexual conduct with a minor at least four years younger than the employee who is enrolled in or attends that public or nonpublic school or who is enrolled in or attends that institution of higher education.

To the Committee on Government Oversight and Reform.

H. B. No. 163 -Representative Patmon, et al.

To enact section 5.256 of the Revised Code to designate May 24 as First Responders' Appreciation Day.

To the Committee on State and Local Government.

Am. H. B. No. 242 -Representatives Hagan, Dever, et al.

To enact section 5.2298 of the Revised Code to designate the fourth Sunday of July as Blue Star Mothers and Families Day.

To the Committee on State and Local Government.

H. B. No. 244 -Speaker Rosenberger, Representative Johnson, T., et al.

To enact section 5.28 of the Revised Code to designate the tenth day of November as Armed Services, Peace Officer, First Responder, and Dual Service Recognition Day.

To the Committee on State and Local Government.

S. C. R. No. 11 -Senator Uecker, et al.

To urge the United States Congress to pass and the President to sign into law the Toxic Exposure Research Act of 2015.

To the Committee on State and Local Government.

S. B. No. 218 -Senator Tavares, et al.

To amend sections 3314.03, 3326.11, 4111.04, 4111.05, 4111.06, 4111.07, 4111.09, 4111.11, 4111.12, 4111.13, 4111.17, 4111.99, and 4112.01; to amend, for the purpose of adopting a new section number as indicated in parentheses, section 4111.17 (4112.16) of the Revised Code to enact the "Fair and Acceptable Income Required (FAIR) Act" and to revise the enforcement of the prohibitions against discrimination in the payment of wages.

To the Committee on Transportation, Commerce and Labor.

S. B. No. 219 -Senator Hughes, et al.

To amend section 5747.113 and to enact section 1545.30 of the Revised Code to allow taxpayers to contribute all or a portion of their income tax refunds to a Metropark.

To the Committee on Ways and Means.

S. B. No. 220 -Senator Hottinger, et al.

To amend sections 148.04 and 148.06 of the Revised Code to authorize the Ohio Public Employees Deferred Compensation Board and local governments to establish designated Roth account features and other tax-deferred or nontax-deferred features permitted for government deferred compensation plans.

To the Committee on State and Local Government.

S. B. No. 221 -Senator Schiavoni.

To enact section 5534.25 of the Revised Code to designate a portion of State Route 7 in Mahoning County as the "Army Chief Warrant Officer Donald V. Clark Memorial Highway."

To the Committee on Transportation, Commerce and Labor.

KEITH FABER, LOU GENTILE, CLIFF HITE, JIM HUGHES, GAYLE MANNING, LARRY OBHOF, SCOTT OELSLAGER, THOMAS F. PATTON, JOSEPH SCHIAVONI, CHARLETA B. TAVARES, CHRIS WIDENER

NO - 0.

The question being, "Shall the report of the committee be accepted?"

The report of the committee was accepted.

Said bills and resolutions were considered a second time and referred to committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Balderson submitted the following report:

The standing committee on Energy and Natural Resources, to which was referred **S. C. R. No. 6**-Senator Balderson, et al., having had the same under consideration, reports it back and recommends its adoption.

Co-Sponsor: Gardner.

YES - 10: WILLIAM SEITZ, JOE UECKER, THOMAS F. PATTON, JAY HOTTINGER, CLIFF HITE, RANDY GARDNER, TROY BALDERSON, LOU GENTILE, SANDRA WILLIAMS, SHANNON JONES

NO - 0.

Senator Manning submitted the following report:

The standing committee on Transportation, Commerce and Labor, to which was referred **S. B. No. 179**-Senator Hite, having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Manning, LaRose, Uecker, Brown.

YES - 9: GAYLE MANNING, THOMAS F. PATTON, KEVIN BACON, JOHN EKLUND, FRANK LAROSE, JOE UECKER, EDNA BROWN, LOU GENTILE, KENNY YUKO

NO - 0.

Senator Manning submitted the following report:

The standing committee on Transportation, Commerce and Labor, to which was referred **S. B. No. 182**-Senators Balderson, Peterson, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Manning, Uecker, Brown.

YES - 10: GAYLE MANNING, THOMAS F. PATTON, KEVIN BACON, JOHN EKLUND, JAY HOTTINGER, FRANK LAROSE, JOE UECKER, EDNA BROWN, LOU GENTILE, KENNY YUKO

NO - 0.

Senator Manning submitted the following report:

The standing committee on Transportation, Commerce and Labor, to which was referred **S. B. No. 187**-Senator Balderson, having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Manning, LaRose, Uecker, Brown, Yuko.

YES - 10: GAYLE MANNING, THOMAS F. PATTON, KEVIN BACON, JOHN EKLUND, JAY HOTTINGER, FRANK LAROSE, JOE UECKER, EDNA BROWN, LOU GENTILE, KENNY YUKO

NO - 0.

Senator Manning submitted the following report:

The standing committee on Transportation, Commerce and Labor, to which was referred **S. B. No. 190**-Senator Gardner, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Manning, Uecker, Brown.

YES - 10: GAYLE MANNING, THOMAS F. PATTON, KEVIN BACON, JOHN EKLUND, JAY HOTTINGER, FRANK LAROSE, JOE UECKER, EDNA BROWN, LOU GENTILE, KENNY YUKO

NO - 0.

Senator Manning submitted the following report:

The standing committee on Transportation, Commerce and Labor, to which was referred **S. B. No. 196**-Senator Widener, having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

Co-Sponsors: Manning, LaRose, Uecker, Brown, Yuko.

In line 3 of the title, delete "LCPL Brent" and insert "Private First Class William "Brent"'"

In line 13, delete "LCPL Brent" and insert "Private First Class William "Brent"'""

YES - 10: GAYLE MANNING, THOMAS F. PATTON, KEVIN BACON, JOHN EKLUND, JAY HOTTINGER, FRANK LAROSE, JOE UECKER, EDNA BROWN, LOU GENTILE, KENNY YUKO

NO - 0.

Senator Manning submitted the following report:

The standing committee on Transportation, Commerce and Labor, to which was referred **S. B. No. 200**-Senators Hughes, Bacon, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Manning, LaRose, Uecker, Brown.

YES - 10: GAYLE MANNING, THOMAS F. PATTON, KEVIN BACON, JOHN EKLUND, JAY HOTTINGER, FRANK LAROSE, JOE UECKER, EDNA BROWN, LOU GENTILE, KENNY YUKO

NO - 0.

Senator Manning submitted the following report:

The standing committee on Transportation, Commerce and Labor, to which was referred **S. B. No. 207**-Senator Coley, having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Manning, LaRose, Uecker, Brown, Yuko.

YES - 10: GAYLE MANNING, THOMAS F. PATTON, KEVIN BACON, JOHN EKLUND, JAY HOTTINGER, FRANK LAROSE, JOE UECKER, EDNA BROWN, LOU GENTILE, KENNY YUKO

NO - 0.

The question being, "Shall the reports of the committees be accepted?"
The reports of the committees were accepted.

Senator Faber submitted the following report:

The standing committee on Rules and Reference to which were referred the appointments by the Governor of:

James M. Adams, from Massillon, Stark County, Ohio, as a Member of the State Board of Sanitarian Registration for a new term beginning August 21, 2015 and ending at the close of business August 14, 2018, replacing James M. Adams, whose term expired.

Beth Ann Ball, from Worthington, Franklin County, Ohio, as a Member of the Occupational Therapy, Physical Therapy and Athletic Trainers Board for a new term beginning August 28, 2015 and ending at the close of business August 27, 2018, replacing Beth Ann Ball, whose term expired.

Courtney E. Combs, Republican, from Hamilton, Butler County, Ohio, as a Member of the Ohio Real Estate Commission for a term beginning August 5, 2015 and ending at the close of business June 30, 2020, replacing David C. Paul, whose term expired.

Matthew Robert Creed, from Brookfield, Trumbull County, Ohio, as a Member of the Occupational Therapy, Physical Therapy and Athletic Trainers Board for a new term beginning August 28, 2015 and ending at the close of business August 27, 2018, replacing Matthew Robert Creed, whose term expired.

Jennifer L. Doyle, from Wadsworth, Medina County, Ohio, as a Member of the Maternity and Newborn Advisory Council for a term beginning August 28, 2015 and ending at the close of business October 31, 2016, replacing Lisa A. Aurilio, who resigned.

Richard A. Edgin, M.D., from Columbus, Franklin County, Ohio, as a Member of the State Medical Board for a term beginning August 11, 2015 and ending at the close of business March 18, 2020, replacing Krishnamurthi Ramprasad, whose term expired.

Patricia P. Guttman, D.D.S., from Bexley, Franklin County, Ohio, as a Member of the State Dental Board for a term beginning September 9, 2015

and ending at the close of business April 6, 2019, replacing Gregory A. McDonald, D.D.S., whose term expired.

Cirous Haghazari, Democrat, from Westerville, Delaware County, Ohio, as a Member of the Motor Vehicle Salvage Dealer's Licensing Board for a new term beginning September 10, 2015 and ending at the close of business July 31, 2018, replacing Cirous Haghazari, whose term expired.

Faye Heston, from Canton, Stark County, Ohio, as a Member of the Ohio Commission on Service and Volunteerism for a term beginning September 10, 2015 and ending at the close of business April 21, 2018, replacing Linda Faint, whose term expired.

Keith L. Krinn, from Westerville, Delaware County, Ohio, as a Member of the State Board of Sanitarian Registration for a term beginning August 21, 2015 and ending at the close of business August 14, 2018, replacing Peter T. Schade, whose term expired.

Jeffrey Paul Kruithoff, Independent, from Lebanon, Warren County, Ohio, as a Member of the Organized Crime Investigations Commission for a new term beginning September 11, 2015 and ending at the close of business September 3, 2018, replacing Jeffrey Paul Kruithoff, whose term expired.

Mary Beth Lavey, from Fremont, Sandusky County, Ohio, as a Member of the Occupational Therapy, Physical Therapy and Athletic Trainers Board for a term beginning August 28, 2015 and ending at the close of business August 27, 2018, replacing Mary Beth Lavey, whose term expired.

James T. Lee, DPT, from Wadsworth, Medina County, Ohio, as a Member of the Occupational Therapy, Physical Therapy and Athletic Trainers Board for a new term beginning August 28, 2015 and ending at the close of business August 27, 2018, replacing James T. Lee, DPT, whose term expired.

Lary Lindrose, Jr., from Mentor, Lake County, Ohio, as a Member of the State Emergency Response Commission for a term beginning February 2, 2015 and ending at the close of business January 13, 2017, replacing Richard D. Hughes, whose term expired.

Curtis L. Passafume, Jr., from Hilliard, Franklin County, Ohio, as a Member of the State Board of Pharmacy for a term beginning August 20, 2015 and ending at the close of business June 30, 2019, replacing Margaret A. Huwer, whose term expired.

Kimberly Sue Peer, from Mogadore, Portage County, Ohio, as a Member of the Occupational Therapy, Physical Therapy and Athletic Trainers Board for a new term beginning August 28, 2015 and ending at the close of business August 27, 2018, replacing Kimberly Sue Peer, whose term expired.

Juan M. Rivera, from Campbell, Mahoning County, Ohio, as a Member of the Commission on Hispanic-Latino Affairs for a term beginning October 8, 2015 and ending at the close of business October 7, 2018, replacing Iris

Martinez Juergens, whose term expired.

Kellie C. Sears, from Fremont, Sandusky County, Ohio, as a Member of the Labor-Management Government Advisory Council for a term beginning August 4, 2015 and ending at the close of business August 22, 2016, replacing Lynn T. Nichols, who resigned.

Victor V. Viglucci, Democrat, from Rootstown, Portage County, Ohio, as a Member of the Organized Crime Investigations Commission for a new term beginning September 11, 2015 and ending at the close of business September 3, 2018, replacing Victor V. Viglucci, whose term expired.

Shawn C. Wilt, from Toledo, Lucas County, Ohio, as a Member of the State Board of Pharmacy for a term beginning August 20, 2015 and ending at the close of business June 30, 2019, replacing Richard F. Kolezynski, whose term expired.

Robert L. Winter, from Cincinnati, Hamilton County, Ohio, as a Member of the Ohio Cemetery Dispute Resolution Commission for a new term beginning August 4, 2015 and ending at the close of business July 1, 2019, replacing Robert L. Winter, whose term expired.

Having had the same under consideration, reports back the recommendation that the Senate advise and consent to said appointments.

YES – 14: EDNA BROWN, DAVE BURKE, WILLIAM P. COLEY, II, KEITH FABER, LOU GENTILE, CLIFF HITE, JIM HUGHES, GAYLE MANNING, LARRY OBHOF, SCOTT OELSLAGER, THOMAS F. PATTON, JOSEPH SCHIAVONI, CHARLETA B. TAVARES, CHRIS WIDENER

NO – 0.

The question being, "Shall the Senate advise and consent to the appointments by the Governor?"

The yeas and nays were taken and resulted – yeas 32, nays 0, as follows:
Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Coley	Eklund	Gardner
Gentile	Hite	Hottinger	Hughes
Jones	Jordan	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Peterson	Sawyer	Schiavoni	Seitz
Skindell	Tavares	Thomas	Uecker
Widener	Williams	Yuko	Faber-32

So the Senate advised and consented to said appointments.

On the motion of Senator Widener, the Senate recessed until 2:55 p.m.

The Senate met pursuant to the recess.

REPORTS OF CONFERENCE COMMITTEES

Senator Lehner submitted the following report:

The Committee of Conference to which the matters of difference between the two houses were referred on **Sub. H. B. No. 2**-Representatives Dovilla, Roegner, et al., having had the same under consideration, recommends to the respective houses as follows:

The bill as passed by the Senate with the following amendments:

Delete lines 909 through 1078 and insert:

"Sec. 3314.016.This section applies to any entity that sponsors a community school, regardless of whether section 3314.021 or 3314.027 of the Revised Code exempts the entity from the requirement to be approved for sponsorship under divisions (A)(2) and (B)(1) of section 3314.015 of the Revised Code. The office of Ohio school sponsorship established under section 3314.029 of the Revised Code shall be rated under division (B) of this section, but divisions (A) and (C) of this section do not apply to the office.

(A) An entity that sponsors a community school shall be permitted to enter into contracts under section 3314.03 of the Revised Code to sponsor additional community schools only if the entity meets ~~both~~ all of the following criteria:

(1) The entity is in compliance with all provisions of this chapter requiring sponsors of community schools to report data or information to the department of education.

(2) The entity is not rated as "ineffective" under division (B)(6) of this section.

(3) Except as set forth in sections 3314.021 and 3314.027 of the Revised Code, the entity has received approval from and entered into an agreement with the department of education pursuant to section 3314.015 of the Revised Code.

(B)(1) For purposes of this section Beginning with the 2015-2016 school year, the department shall develop and implement an evaluation system that annually rates and assigns an overall rating to each entity that sponsors a community school based on the following components:

(a) Academic performance of students enrolled in community schools sponsored by the same entity; The academic performance component shall be derived from the performance measures prescribed for the state report cards under section 3302.03 or 3314.017 of the Revised Code, and shall be based on the performance of the schools for the school year for which the evaluation is conducted. In addition to the academic performance for a specific school year,

the academic performance component shall also include year-to-year changes in the overall sponsor portfolio. For a community school for which no graded performance measures are applicable or available, the department shall use non-report card performance measures specified in the contract between the community school and the sponsor under division (A)(4) of section 3314.03 of the Revised Code.

(b) Adherence by a sponsor to the quality practices prescribed by the department under division (B)(3) of this section. ~~The department shall not include this measure in the sponsor evaluation rating system until the department prescribes quality practices and develops an instrument to measure adherence to those practices under division (B)(3) of this section.~~ For a sponsor that was rated "effective" or "exemplary" on its most recent rating, the department may evaluate that sponsor's adherence to quality practices once over a period of three years. If the department elects to evaluate a sponsor once over a period of three years, the most recent rating for a sponsor's adherence to quality practices shall be used when determining an annual overall rating conducted under this section.

(c) Compliance with all applicable laws and administrative rules by an entity that sponsors a community school.

(2) In calculating an academic performance component, the department shall exclude ~~all of the following:~~

~~(a) All~~ all community schools that have been in operation for not more than two full school years;

~~(b) All and all~~ and all community schools described in division (A)(4)(b) of section 3314.35 of the Revised Code. However, the academic performance of the community schools described in division (A)(4)(b) of section 3314.35 of the Revised Code shall be reported, but shall not be used as a factor when determining a sponsoring entity's rating under this section.

(3) The department, in consultation with entities that sponsor community schools, shall prescribe quality practices for community school sponsors and develop an instrument to measure adherence to those quality practices. The quality practices shall be based on standards developed by the national association of charter school authorizers or any other nationally organized community school organization.

(4)(a) The department may permit peer review of a sponsor's adherence to the quality practices prescribed under division (B)(3) of this section. Peer reviewers shall be limited to individuals employed by sponsors rated "effective" or "exemplary" on the most recent ratings conducted under this section.

(b) The department shall require individuals participating in peer review under division (B)(4)(a) of this section to complete training approved

or established by the department.

(c) The department may enter into an agreement with another entity to provide training to individuals conducting peer review of sponsors. Prior to entering into an agreement with an entity, the department shall review and approve of the entity's training program.

(5) Not later than July 1, 2013, the state board of education shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing standards for measuring compliance with applicable laws and rules under division (B)(1)(c) of this section.

(6) The department annually shall rate all entities that sponsor community schools as either "exemplary," "effective," ~~or~~ "ineffective," ~~or~~ "poor," based on the components prescribed by division (B) of this section, where each component is weighted equally, ~~except that entities sponsoring community schools for the first time may be assigned the rating of "emerging" for only the first two consecutive years. A separate rating shall be given by the department for each component of the evaluation system.~~

The department shall publish the ratings between the first day of October and the fifteenth day of October.

The department shall provide training on an annual basis regarding the evaluation system prescribed under this section. The training shall, at a minimum, describe methodology, timelines, and data required for the evaluation system. The first training session shall occur not later than thirty days within the effective date of this section.

~~(7)(a) Prior to the 2014-2015 school year, student academic performance prescribed under division (B)(1)(a) of this section shall not include student academic performance data from community schools that primarily serve students enrolled in a dropout prevention and recovery program as described in division (A)(4)(a) of section 3314.35 of the Revised Code.~~

(b) Entities with an overall rating of "exemplary" for at least two consecutive years may take advantage of the following incentives:

(i) Renewal of the written agreement with the department, not to exceed ten years, provided that the entity consents to continued evaluation of adherence to quality practices as described in division (B)(1)(b) of this section;

(ii) The ability to extend the term of the contract between the sponsoring entity and the community school beyond the term described in the written agreement with the department;

(iii) An exemption from the preliminary agreement and contract adoption and execution deadline requirements prescribed in division (D) of section 3314.02 of the Revised Code;

(iv) An exemption from the automatic contract expiration requirement, should a new community school fail to open by the thirtieth day of September of the calendar year in which the community school contract is executed;

(v) No limit on the number of community schools the entity may sponsor;

(vi) No territorial restrictions on sponsorship.

An entity may continue to sponsor any community schools with which it entered into agreements under division (B)(7)(a)(v) or (vi) of this section while rated "exemplary," notwithstanding the fact that the entity later receives a lower overall rating.

(b)(i) Entities that receive an overall rating of "ineffective" shall be prohibited from sponsoring any new or additional community schools during the time in which the sponsor is rated as "ineffective" and shall be subject to a quality improvement plan based on correcting the deficiencies that led to the "ineffective" rating, with timelines and benchmarks that have been established by the department.

(ii) Entities that receive an overall rating of "ineffective" on their three most recent ratings shall have all sponsorship authority revoked. Within thirty days after receiving its third rating of "ineffective," the entity may appeal the revocation of its sponsorship authority to the superintendent of public instruction, who shall appoint an independent hearing officer to conduct a hearing in accordance with Chapter 119. of the Revised Code. The hearing shall be conducted within thirty days after receipt of the notice of appeal. Within forty-five days after the hearing is completed, the state board of education shall determine whether the revocation is appropriate based on the hearing conducted by the independent hearing officer, and if determined appropriate, the revocation shall be confirmed.

(c) Entities that receive an overall rating of "poor" shall have all sponsorship authority revoked. Within thirty days after receiving a rating of "poor," the entity may appeal the revocation of its sponsorship authority to the superintendent of public instruction, who shall appoint an independent hearing officer to conduct a hearing in accordance with Chapter 119. of the Revised Code. The hearing shall be conducted within thirty days after receipt of the notice of appeal. Within forty-five days after the hearing is completed, the state board of education shall determine whether the revocation is appropriate based on the hearing conducted by the independent hearing officer, and if determined appropriate, the revocation shall be confirmed.

(8) For the 2014-2015 school year and each school year thereafter, student academic performance prescribed under division (B)(1)(a) of this section shall include student academic performance data from community

schools that primarily serve students enrolled in a dropout prevention and recovery program.

(C) If the governing authority of a community school enters into a contract with a sponsor prior to the date on which the sponsor is prohibited from sponsoring additional schools under division (A) of this section and the school has not opened for operation as of that date, that contract shall be void and the school shall not open until the governing authority secures a new sponsor by entering into a contract with the new sponsor under section 3314.03 of the Revised Code. However, the department's office of Ohio school sponsorship, established under section 3314.029 of the Revised Code, may assume the sponsorship of the school until the earlier of the expiration of two school years or until a new sponsor is secured by the school's governing authority. A community school sponsored by the department under this division shall not be included when calculating the maximum number of directly authorized community schools permitted under division (A)(3) of section 3314.029 of the Revised Code.

(D) When an entity's authority to sponsor schools is revoked pursuant to division (B)(7)(b) or (c) of this section, the office of Ohio school sponsorship shall assume sponsorship of any schools with which the original sponsor has contracted for the remainder of that school year. The office may continue sponsoring those schools until the earlier of:

(1) The expiration of two school years from the time that sponsorship is revoked;

(2) When a new sponsor is secured by the governing authority pursuant to division (C)(1) of section 3314.02 of the Revised Code.

Any community school sponsored under this division shall not be counted for purposes of directly authorized community schools under division (A)(3) of section 3314.029 of the Revised Code."

In line 548, after the underlined period insert "This addendum shall include, at a minimum, the data specified in divisions (C)(1)(a), (C)(2), and (C)(3) of section 3314.017 of the Revised Code."

In line 1368, after "start-up" insert "or conversion"

In line 1371, after "start-up" insert "or conversion"

In line 2292, strike through "first" and insert "fifteenth"; delete "December" and insert "January"; reinsert "in"

In line 2293, delete "prior to"

In line 4 of the title, delete "3314.091,"

In line 19, delete "3314.091,"

Delete lines 2430 through 2628

In line 3012, delete "3314.091,"

In line 1 of the title, after "3302.03," insert "3313.12,"

In line 15 of the title, after the semicolon insert "to limit the total amount of compensation that a school district or educational service center board member may receive in a school year;"

In line 17, after "3302.03," insert "3313.12,"

Between lines 644 and 645, insert:

LEGEND

GA: 127

BN: Am. Sub. H.B. 119

EFD: 09/29/07

CONCD:

INFO:

"Sec. 3313.12. (A) Each member of the educational service center governing board may be paid such compensation as the governing board provides by resolution, provided that any such compensation shall not exceed one hundred twenty-five dollars a day plus mileage both ways, at the rate per mile provided by resolution of the governing board, for attendance at any meeting of the board. No member of an educational service center governing board shall receive in compensation under this division a total amount greater than five thousand dollars per year for service on the governing board. Such compensation and the expenses of the educational service center superintendent, itemized and verified, shall be paid from the educational service center governing board fund upon vouchers signed by the president of the governing board.

(B) The board of education of any city, local, or exempted village school district may provide by resolution for compensation of its members, provided that such compensation shall not exceed one hundred twenty-five dollars per member for meetings attended. No member of a school district board of education shall receive in compensation under this division a total amount greater than five thousand dollars per year for service on the board of education. The board may provide by resolution for the deduction of amounts payable for benefits under section 3313.202 of the Revised Code.

(C) Each member of a district board or educational service center governing board may be paid such compensation as the respective board provides by resolution for attendance at an approved training program, provided that such compensation shall not exceed sixty dollars a day for attendance at a training program three hours or fewer in length and one hundred twenty-five dollars a day for attendance at a training program longer than three hours in length."

In line 3010, after "3302.03," insert "3313.12,"

In line 10 of the title, after "Code" insert "; and to repeal Section 263.660 of Am. Sub. H.B. 64 of the 131st General Assembly"

In line 3015, after the period insert "That Section 263.660 of Am. Sub. H.B. 64 of the 131st General Assembly is hereby repealed.

Section 4."

In line 3027, delete "4" and insert "5"

In line 1509, delete the underlined semicolon and insert ". The evaluation of a school's academic and fiscal performance shall be based on the performance requirements specified in the contract between the sponsor and the governing authority under section 3314.03 of the Revised Code, the state report cards issued for the school under section 3302.03 or 3314.017 of the Revised Code, and any other analysis conducted by the department of education."

In line 1710, after the underlined period insert "The department shall adopt the criteria not later than sixty days after the effective date of this amendment."

In line 1731, delete "in addition to"

In line 1732, delete everything before the second "the"

In line 1734, after "unless" delete the balance of the line

Delete lines 1735 through 1749 and insert "both of the following apply:

(a) The department approves the application using the requirements of divisions (A)(1)(a) to (h) of this section and the criteria developed under division (A)(2)(b) of this section.

(b) The department has determined that the applicant has requested and received a recommendation from the alliance in the manner prescribed by divisions (E)(1) and (2) of section 3311.86 of the Revised Code."

In line 2152, delete "On and after the effective date of this section" and insert "Beginning with the 2016-2017 school year,"

In line 2153, after "school" insert ", with the assistance of the school's designated fiscal officer,"

In line 2154, delete "The"

In line 2155, delete "governing authority" and insert:

"Not later than ninety days after the effective date of this section, the department of education shall develop a format for annual budgets of community schools. The format"; delete "include" and insert "prescribe inclusion of"

In line 2156, delete "each" and insert "a school's"

In line 2181, delete all after "(D)"

Delete lines 2182 through 2184 and insert "The governing authority of a community school shall be the sole entity responsible for the adoption of the school's annual budget, but the governing authority shall adopt such budget with the assistance of the school's designated fiscal officer."

In line 2681, delete "(1)"; after "school" insert ", on a periodic basis throughout each school year."

In line 2682, delete all after "shall"

Delete lines 2683 through 2689 and insert "communicate with each student's parent, guardian, or custodian regarding the performance and progress of that student. Each internet- or computer-based community school also shall provide opportunities for parent-teacher conferences, shall document the school's requests for such conferences, and may permit students to participate in the conferences. Parent-teacher conferences may be conducted through electronic means."

In line 6 of the title, after "3314.019," insert "3314.025,"

In line 21, after "3314.019," insert "3314.025,"

Between lines 1573 and 1574, insert:

"Sec. 3314.025.(A) Beginning with the 2016-2017 school year, each sponsor of a community school shall submit, not later than the fifteenth day of August of each year, a report to the department of education, using the format and manner prescribed by the department as set forth in division (B) of this section, describing the amount and type of expenditures made to provide monitoring, oversight, and technical assistance to the community schools it sponsors. The report shall also be submitted to the governing authority of the community school.

(B) Not later than ninety days after the effective date of this section, the department shall establish requirements and a reporting procedure to aid each sponsor in complying with division (A) of this section. The department shall require that each report include at least the following types of expenditures made to provide oversight, monitoring, and technical assistance to the community school it sponsors:

- (1) Employee salaries, wages, benefits, and other compensation;
- (2) All purchased or contracted services;
- (3) Materials and supplies;
- (4) Equipment, furniture, and fixtures;
- (5) Facilities;
- (6) Other expenditures.

(C) The report submitted under this section shall be a factor when evaluating a sponsor's compliance with applicable law and administrative rules as prescribed under division (B)(1)(c) of section 3314.016 of the Revised Code. The report also may be used as a factor when evaluating a sponsor's adherence to quality practices as prescribed under division (B)(1)(b) of that section."

In line 2058, delete everything after the period

Delete lines 2059 and 2060

In line 2109, delete "December" and insert "March"; delete "2015" and insert "2016"

In line 2119, delete "July 1" and insert "November 15"; delete "annually" and insert "not later than the fifteenth day of November for each year"

In line 2120, delete everything after "publish" and insert "an annual"

In line 2121, after "performance" insert "report"; after "state" insert "based on their performance for the previous school year"

In line 4 of the title, after the last comma insert "and"

In line 5 of the title, delete ", and 3321.19"

In line 20, after the third comma insert "and"; delete ", and 3321.19"

Delete lines 2913 through 3009

In line 3013, after the fourth comma insert "and"; delete ", and 3321.19"

In line 3015, delete "December 31, 2015" and insert "June 30, 2016"

In line 4 of the title, after "3314.091," insert "3314.19,"

In line 19, after "3314.091," insert "3314.19,"

Between lines 2628 and 2629, insert:

LEGEND

GA: 129

BN: Am. Sub. H.B. 153

EFD: 09/29/11

EFD: 06/30/11

CONCD:

INFO: SEE SECTION 812.30 OF HB 153 OF THE 129th GA WHICH DEFINES THE EFFECTIVE DATE FOR RC 3314.19.

"Sec. 3314.19. The sponsor of each community school annually shall provide the following assurances in writing to the department of education not later than ten business days prior to the opening of the school:

(A) That a current copy of the contract between the sponsor and the governing authority of the school entered into under section 3314.03 of the Revised Code has been filed with the department and that any subsequent modifications to that contract will be filed with the department;

(B) That the school has submitted to the sponsor a plan for providing special education and related services to students with disabilities and has demonstrated the capacity to provide those services in accordance with Chapter 3323. of the Revised Code and federal law;

(C) That the school has a plan and procedures for administering the achievement and diagnostic assessments prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of the Revised Code;

(D) That school personnel have the necessary training, knowledge, and resources to properly use and submit information to all databases maintained by the department for the collection of education data, including the education management information system established under section 3301.0714 of the Revised Code in accordance with methods and timelines established under section 3314.17 of the Revised Code;

(E) That all required information about the school has been submitted to the Ohio education directory system or any successor system;

(F) That the school will enroll at least the minimum number of students required by division (A)(11)(a) of section 3314.03 of the Revised Code in the school year for which the assurances are provided;

(G) That all classroom teachers are licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except for noncertificated persons engaged to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code;

(H) That the school's fiscal officer is in compliance with section 3314.011 of the Revised Code;

(I) That the school has complied with sections 3319.39 and 3319.391 of the Revised Code with respect to all employees and that the school has conducted a criminal records check of each of its governing authority members;

(J) That the school holds all of the following:

(1) Proof of property ownership or a lease for the facilities used by the school;

(2) A certificate of occupancy;

(3) Liability insurance for the school, as required by division (A)(11)(b) of section 3314.03 of the Revised Code, that the sponsor considers sufficient to indemnify the school's facilities, staff, and governing authority against risk;

(4) A satisfactory health and safety inspection;

(5) A satisfactory fire inspection;

(6) A valid food permit, if applicable.

(K) That the sponsor has conducted a pre-opening site visit to the school for the school year for which the assurances are provided;

(L) That the school has designated a date it will open for the school year for which the assurances are provided that is in compliance with division (A)(25) of section 3314.03 of the Revised Code;

(M) That the school has met all of the sponsor's requirements for opening and any other requirements of the sponsor.

(N) That, for any school that operates using the blended learning model, as defined in section 3301.079 of the Revised Code, the sponsor has reviewed the following information, submitted by the school:

(1) An indication of what blended learning model or models will be used;

(2) A description of how student instructional needs will be determined and documented;

(3) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;

(4) The school's attendance requirements, including how the school will document participation in learning opportunities;

(5) A statement describing how student progress will be monitored;

(6) A statement describing how private student data will be protected;

(7) A description of the professional development activities that will be offered to teachers."

In line 3012, after "3314.091," insert "3314.19,"

In line 729, delete "All" and insert:

"On and after July 1, 2017, each entity that sponsors a community school in this state, except for an entity described in sections 3314.021 and 3314.027 of the Revised Code, shall attain approval from the department in order to continue sponsoring schools regardless of whether that entity intends to enter into a preliminary agreement or renew an existing contract.

All"

In line 734, after "shall" insert "set forth any territorial restrictions and limits on the number of schools that entity may sponsor,"

In line 735, after "process" insert an underlined comma; delete "a clause" and insert "include a stipulation"

In line 762, delete "twelve" and insert "ten"

In line 770, after "Code" insert ";

(iii) The sponsor's compliance with all applicable laws and administrative rules"

In line 771, after "(b)" insert "Each agreement between the department and a sponsor shall specify that entities with an overall rating of "exemplary" for at least two consecutive years shall not be subject to the limit on the number of community schools the entity may sponsor or any territorial restrictions on sponsorship, for so long as that entity continues to be rated "exemplary."

(c)"; strike through "department" and insert "state board of education"

Delete lines 1086 through 1430 and insert:

LEGEND

GA: 131

BN: Am. Sub. H.B. 64

EFD: 09/29/15

CONCD:

INFO: HB0

"Sec. 3314.02. (A) As used in this chapter:

(1) "Sponsor" means the board of education of a school district or the governing board of an educational service center that agrees to the conversion of all or part of a school or building under division (B) of this section, or an entity listed in division (C)(1) of this section, which has been approved by the department of education to sponsor community schools or is exempted by section 3314.021 or 3314.027 of the Revised Code from obtaining approval, and with which the governing authority of a community school enters into a contract under section 3314.03 of the Revised Code.

(2) "Pilot project area" means the school districts included in the territory of the former community school pilot project established by former Section 50.52 of Am. Sub. H.B. No. 215 of the 122nd general assembly.

(3) "Challenged school district" means any of the following:

(a) A school district that is part of the pilot project area;

(b) A school district that meets one of the following conditions:

(i) On March 22, 2013, the district was in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013;

(ii) For two of the 2012-2013, 2013-2014, 2014-2015, and 2015-2016 school years, the district received a grade of "D" or "F" for the performance

index score and a grade of "F" for the value-added progress dimension under section 3302.03 of the Revised Code;

(iii) For the 2016-2017 school year and for any school year thereafter, the district has received an overall grade of "D" or "F" under division (C)(3) of section 3302.03 of the Revised Code, or, for at least two of the three most recent school years, the district received a grade of "F" for the value-added progress dimension under division (C)(1)(e) of that section.

(c) A big eight school district;

(d) A school district ranked in the lowest five per cent of school districts according to performance index score under section 3302.21 of the Revised Code.

(4) "Big eight school district" means a school district that for fiscal year 1997 had both of the following:

(a) A percentage of children residing in the district and participating in the predecessor of Ohio works first greater than thirty per cent, as reported pursuant to section 3317.10 of the Revised Code;

(b) An average daily membership greater than twelve thousand, as reported pursuant to former division (A) of section 3317.03 of the Revised Code.

(5) "New start-up school" means a community school other than one created by converting all or part of an existing public school or educational service center building, as designated in the school's contract pursuant to division (A)(17) of section 3314.03 of the Revised Code.

(6) "Urban school district" means one of the state's twenty-one urban school districts as defined in division (O) of section 3317.02 of the Revised Code as that section existed prior to July 1, 1998.

(7) "Internet- or computer-based community school" means a community school established under this chapter in which the enrolled students work primarily from their residences on assignments in nonclassroom-based learning opportunities provided via an internet- or other computer-based instructional method that does not rely on regular classroom instruction or via comprehensive instructional methods that include internet-based, other computer-based, and noncomputer-based learning opportunities unless a student receives career-technical education under section 3314.086 of the Revised Code.

A community school that operates mainly as an internet- or computer-based community school and provides career-technical education under section 3314.086 of the Revised Code shall be considered an internet- or computer-based community school, even if it provides some classroom-based instruction, so long as it provides instruction via the methods described in this division.

(8) "Operator" means either of the following:

(a) An individual or organization that manages the daily operations of a community school pursuant to a contract between the operator and the school's governing authority;

(b) A nonprofit organization that provides programmatic oversight and support to a community school under a contract with the school's governing authority and that retains the right to terminate its affiliation with the school if the school fails to meet the organization's quality standards.

(9) "Alliance municipal school district" has the same meaning as in section 3311.86 of the Revised Code.

(B)(1) Any person or group of individuals may initially propose under this division the conversion of all or a portion of a public school to a community school. The proposal shall be made to the board of education of the city, local, exempted village, or joint vocational school district in which the public school is proposed to be converted.

(2) Any person or group of individuals may initially propose under this division the conversion of all or a portion of a building operated by an educational service center to a community school. The proposal shall be made to the governing board of the service center.

~~Am~~ On and after July 1, 2017, except as provided in section 3314.027 of the Revised Code, any educational service center that sponsors a community school ~~in accordance with this division~~ shall be approved by and enter into a written agreement with the department as described in section 3314.015 of the Revised Code.

(3) Upon receipt of a proposal, and after an agreement has been entered into pursuant to section 3314.015 of the Revised Code, a board may enter into a preliminary agreement with the person or group proposing the conversion of the public school or service center building, indicating the intention of the board to support the conversion to a community school. A proposing person or group that has a preliminary agreement under this division may proceed to finalize plans for the school, establish a governing authority for the school, and negotiate a contract with the board. Provided the proposing person or group adheres to the preliminary agreement and all provisions of this chapter, the board shall negotiate in good faith to enter into a contract in accordance with section 3314.03 of the Revised Code and division (C) of this section.

(4) The sponsor of a conversion community school proposed to open in an alliance municipal school district shall be subject to approval by the department of education for sponsorship of that school using the criteria established under division (A) of section 3311.87 of the Revised Code.

Division (B)(4) of this section does not apply to a sponsor that, on or

before ~~the effective date of this amendment~~ September 29, 2015, was exempted under section 3314.021 or 3314.027 of the Revised Code from the requirement to be approved for sponsorship under divisions (A)(2) and (B)(1) of section 3314.015 of the Revised Code.

(C)(1) Any person or group of individuals may propose under this division the establishment of a new start-up school to be located in a challenged school district. The proposal may be made to any of the following entities:

(a) The board of education of the district in which the school is proposed to be located;

(b) The board of education of any joint vocational school district with territory in the county in which is located the majority of the territory of the district in which the school is proposed to be located;

(c) The board of education of any other city, local, or exempted village school district having territory in the same county where the district in which the school is proposed to be located has the major portion of its territory;

(d) The governing board of any educational service center, regardless of the location of the proposed school, may sponsor a new start-up school in any challenged school district in the state if all of the following are satisfied:

(i) If applicable, it satisfies the requirements of division (E) of section 3311.86 of the Revised Code;

(ii) It is approved to do so by the department;

(iii) It enters into an agreement with the department under section 3314.015 of the Revised Code.

(e) A sponsoring authority designated by the board of trustees of any of the thirteen state universities listed in section 3345.011 of the Revised Code or the board of trustees itself as long as a mission of the proposed school to be specified in the contract under division (A)(2) of section 3314.03 of the Revised Code and as approved by the department under division (B)(~~2~~) (3) of section 3314.015 of the Revised Code will be the practical demonstration of teaching methods, educational technology, or other teaching practices that are included in the curriculum of the university's teacher preparation program approved by the state board of education;

(f) Any qualified tax-exempt entity under section 501(c)(3) of the Internal Revenue Code as long as all of the following conditions are satisfied:

(i) The entity has been in operation for at least five years prior to applying to be a community school sponsor.

(ii) The entity has assets of at least five hundred thousand dollars and a demonstrated record of financial responsibility.

(iii) The department has determined that the entity is an education-oriented entity under division (B)~~(3)~~(4) of section 3314.015 of the Revised Code and the entity has a demonstrated record of successful implementation of educational programs.

(iv) The entity is not a community school.

(g) The mayor of a city in which the majority of the territory of a school district to which section 3311.60 of the Revised Code applies is located, regardless of whether that district has created the position of independent auditor as prescribed by that section. The mayor's sponsorship authority under this division is limited to community schools that are located in that school district. Such mayor may sponsor community schools only with the approval of the city council of that city, after establishing standards with which community schools sponsored by the mayor must comply, and after entering into a sponsor agreement with the department as prescribed under section 3314.015 of the Revised Code. The mayor shall establish the standards for community schools sponsored by the mayor not later than one hundred eighty days after July 15, 2013, and shall submit them to the department upon their establishment. The department shall approve the mayor to sponsor community schools in the district, upon receipt of an application by the mayor to do so. Not later than ninety days after the department's approval of the mayor as a community school sponsor, the department shall enter into the sponsor agreement with the mayor.

Any entity described in division (C)(1) of this section may enter into a preliminary agreement pursuant to division (C)(2) of this section with the proposing person or group, provided that entity has been approved by and entered into a written agreement with the department pursuant to section 3314.015 of the Revised Code.

(2) A preliminary agreement indicates the intention of an entity described in division (C)(1) of this section to sponsor the community school. A proposing person or group that has such a preliminary agreement may proceed to finalize plans for the school, establish a governing authority as described in division (E) of this section for the school, and negotiate a contract with the entity. Provided the proposing person or group adheres to the preliminary agreement and all provisions of this chapter, the entity shall negotiate in good faith to enter into a contract in accordance with section 3314.03 of the Revised Code.

(3) A new start-up school that is established in a school district described in either division (A)(3)(b) or (d) of this section may continue in existence once the school district no longer meets the conditions described in either division, provided there is a valid contract between the school and a sponsor.

(4) A copy of every preliminary agreement entered into under this

division shall be filed with the superintendent of public instruction.

(D) A majority vote of the board of a sponsoring entity and a majority vote of the members of the governing authority of a community school shall be required to adopt a contract and convert the public school or educational service center building to a community school or establish the new start-up school. Beginning September 29, 2005, adoption of the contract shall occur not later than the fifteenth day of March, and signing of the contract shall occur not later than the fifteenth day of May, prior to the school year in which the school will open. The governing authority shall notify the department of education when the contract has been signed. Subject to sections 3314.013 and 3314.016 of the Revised Code, an unlimited number of community schools may be established in any school district provided that a contract is entered into for each community school pursuant to this chapter.

(E)(1) As used in this division, "immediate relatives" are limited to spouses, children, parents, grandparents, siblings, and in-laws.

Each new start-up community school established under this chapter shall be under the direction of a governing authority which shall consist of a board of not less than five individuals.

(2)(a) No person shall serve on the governing authority or operate the community school under contract with the governing authority so long as the person under any of the following circumstances:

(i) The person owes the state any money or is in a dispute over whether the person owes the state any money concerning the operation of a community school that has closed.

(ii) The person would otherwise be subject to division (B) of section 3319.31 of the Revised Code with respect to refusal, limitation, or revocation of a license to teach, if the person were a licensed educator.

(iii) The person has pleaded guilty to or been convicted of theft in office under section 2921.41 of the Revised Code, or has pleaded guilty to or been convicted of a substantially similar offense in another state.

(b) No person shall serve on the governing authority or engage in the financial day-to-day management of the community school under contract with the governing authority unless and until that person has submitted to a criminal records check in the manner prescribed by section 3319.39 of the Revised Code.

(c) Each sponsor of a community school shall annually verify that a finding for recovery has not been issued by the auditor of state against any individual or individuals who propose to create a community school or any member of the governing authority, the operator, or any employee of each community school.

~~(2)~~(3) No person shall serve on the governing authorities of more

than five start-up community schools at the same time.

~~(3)~~(4) No present or former member, or immediate relative of a present or former member, of the governing authority of any community school established under this chapter shall be an owner, employee, or consultant of any sponsor or operator of a community school, unless at least one year has elapsed since the conclusion of the person's membership.

(4)(5) The governing authority of a start-up community school may provide by resolution for the compensation of its members. However, no individual who serves on the governing authority of a start-up community school shall be compensated more than ~~four~~ one hundred twenty-five dollars per meeting of that governing authority and no such individual shall be compensated more than a total amount of five thousand dollars per year for all governing authorities upon which the individual serves. Each member of the governing authority may be paid compensation for attendance at an approved training program, provided that such compensation shall not exceed sixty dollars a day for attendance at a training program three hours or less in length and one hundred twenty-five dollars a day for attendance at a training program longer than three hours in length.

(6) No person who is the employee of a school district or educational service center shall serve on the governing authority of any community school sponsored by that school district or service center. (7) Each member of the governing authority of a community school shall annually file a disclosure statement setting forth the names of any immediate relatives or business associates employed by any of the following within the previous three years:

(a) The sponsor or operator of that community school;

(b) A school district or educational service center that has contracted with that community school;

(c) A vendor that is or has engaged in business with that community school.

(8) No person who is a member of a school district board of education shall serve on the governing authority of any community school.

(F)(1) A new start-up school that is established prior to August 15, 2003, in an urban school district that is not also a big-eight school district may continue to operate after that date and the contract between the school's governing authority and the school's sponsor may be renewed, as provided under this chapter, after that date, but no additional new start-up schools may be established in such a district unless the district is a challenged school district as defined in this section as it exists on and after that date.

(2) A community school that was established prior to June 29, 1999, and is located in a county contiguous to the pilot project area and in a school district that is not a challenged school district may continue to operate after

that date, provided the school complies with all provisions of this chapter. The contract between the school's governing authority and the school's sponsor may be renewed, but no additional start-up community school may be established in that district unless the district is a challenged school district.

(3) Any educational service center that, on June 30, 2007, sponsors a community school that is not located in a county within the territory of the service center or in a county contiguous to such county may continue to sponsor that community school on and after June 30, 2007, and may renew its contract with the school. However, the educational service center shall not enter into a contract with any additional community school, unless the governing board of the service center has entered into an agreement with the department authorizing the service center to sponsor a community school in any challenged school district in the state."

In line 1560, after "direct" insert "and indirect"; delete the underlined semicolon and insert an underlined period

Delete line 1561

In line 1572, strike through "audit" and insert "verification through examination of community school records"

After line 3071, insert:

"**Section 5.**Notwithstanding any provision of law, rule, or guideline to the contrary, for the 2014-2015 school year only:

(A) The Department of Education's report, pursuant to division (A) (4) of section 3314.015 of the Revised Code, regarding the effectiveness of academic programs, operations, and legal compliance and the financial condition of all community schools and on the performance of community school sponsors shall be submitted not later than March 31, 2016.

(B) Each community school sponsor's report, pursuant to divisions (D)(2) and (D)(3) of section 3314.03 of the Revised Code, submitting the results of the evaluation of the academic and fiscal performance and the organization and operation of each community school it sponsors to the Department and to the parents of students enrolled in that community school shall be submitted not later than March 1, 2016.

(C) Each community school governing authority's report, pursuant to division (A)(11)(g) of section 3314.03 of the Revised Code, describing its activities and progress in meeting the academic goals and performance standards and its financial status to the sponsor and the parents of all students enrolled in the school shall be submitted not later than January 31, 2016."

In line 4 of the title, after "3314.351," insert "3314.50,"

In line 20, after "3314.351," insert "3314.50,"

Between lines 2876 and 2877, insert:

LEGEND

GA: 130

BN: Sub. H.B. 10

EFD: 03/23/15

CONCD:

INFO: HB0

"Sec. 3314.50. No community school shall initiate operation, on or after the effective date of this ~~section amendment, open for operation in any school year~~ unless the governing authority of the school has posted a surety bond in the amount of fifty thousand dollars with the auditor of state. ~~In lieu of a surety bond, a community school governing authority may deposit with the auditor of state cash in the amount of fifty thousand dollars as a guarantee of payment.~~ The bond ~~or cash guarantee~~ shall be used, in the event the school closes, to pay the auditor of state any moneys owed or that become owed by the school for the costs of audits conducted by the auditor of state or a public accountant under Chapter 117. of the Revised Code.

Immediately upon The department of education shall notify the auditor of state of the proposed initiation of operations of any community school and shall provide the auditor of state with the certification of the sponsor of the community school of the compliance by the community school with all legal preconditions to the initiation of its operations, including compliance with this section.

In lieu of the bond, the governing authority of the school, the school's sponsor, or an operator that has a contract with the school may deposit with the auditor of state cash in the amount of fifty thousand dollars as guarantee of payment under the provisions of this section. In lieu of a bond or a cash deposit, the school's sponsor or an operator that has a contract with the school may provide a written guarantee of payment, which shall obligate the school's sponsor or the operator that provides the written guarantee to pay the cost of audits of the school under this section up to the amount of fifty thousand dollars. Any such written guarantee shall be binding upon any successor entity that enters into a contract to sponsor or to operate the school, and any such entity, as a condition of its undertaking shall acknowledge and accept such obligation.

In the event that a sponsor or operator has provided a written guarantee under this section, and, subsequent to the provision of the guarantee, the governing authority of the school posts a bond under this section, or the governing authority of the school, a sponsor, or an operator provides a cash deposit of fifty thousand dollars as required, the written guarantee shall cease to be of further effect.

As soon as it is practicable to do so after the filing of a surety bond

or the deposit of cash, the auditor of state shall deliver the bond or cash to the treasurer of state, who shall hold it in trust for the purposes prescribed in this section. The treasurer of state shall be responsible for the safekeeping of all ~~surety~~ bonds filed or cash deposited under this section. The auditor of state shall notify the department of education when the school's governing authority has filed the bond ~~or~~, deposited the cash guarantee, or submitted a written guarantee of payment.

When the auditor of state ~~finds that a community school has closed and cannot pay for the costs of audits,~~ conducts an audit of a community school that has closed and is subject to the requirements of this section, the auditor of state ~~shall declare the surety bond or cash deposit forfeited.~~ The ~~auditor of state~~ shall certify the amount of forfeiture to the treasurer of state, who shall assess the bond for the costs of the audit or shall pay money from the named ~~surety insurer~~ or from the school's cash deposit ~~as needed for the costs of the audit~~ to reimburse the auditor of state or public accountant for costs incurred in conducting audits of the school.

To the extent that the amount of the bond or the cash deposit is not needed to cover audit costs, the bond shall be of no further effect, and any cash balance shall be refunded by the treasurer of state to the entity which provided the bond. When the auditor of state conducts an audit of a community school that has closed and is subject to the requirements of this section, and, as to which, a written guarantee has been given under this section, the entity that provided the guarantee shall be solely and fully liable for any such audit costs, and shall promptly pay the costs of the audit up to fifty thousand dollars.

No community school that is subject to the provisions of this section shall maintain or continue its operations absent the ongoing provision of a bond, a cash deposit, or a written guarantee as required by this section."

In line 3013, after "3314.351," insert "3314.50,"

In line 2003, delete "and records"

In line 2004, after "(28)" insert "That the school's attendance and participation records shall be made available to the department of education, auditor of state, and school's sponsor to the extent permitted under and in accordance with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any regulations promulgated under that act, and section 3319.321 of the Revised Code.

(29)"

In line 2022, delete "(29)" and insert "(30)"

In line 2026, delete "(30)" and insert "(31)"

After line 3071, insert:

"**Section 5.(A)** Notwithstanding anything in the Revised Code to the contrary, for ratings based on the 2015-2016 school year only, the Department of Education may choose not to assign an overall rating under section 3314.016 of the Revised Code to an entity that sponsors community schools, if the entity meets all of the following conditions:

(1) The entity is a school district.

(2) At least one of the community schools sponsored by the entity is a conversion community school that primarily serves students enrolled in a dropout prevention and recovery program as described in division (A)(4)(a) of section 3314.35 of the Revised Code.

(3) At least one of the community schools sponsored by the entity, for the 2013-2014 school year, received on its report card issued under 3314.017 of the Revised Code a rating of either "meets standards" or "exceeds standards" for the four- and five-year cohort graduation rate.

(B) If the Department chooses not to assign an overall rating to a sponsor under division (A) of this section, the Department shall instead evaluate the sponsor using only the components specified under division (B) (1)(a) and (c) of section 3314.016 of the Revised Code, but it shall not assign an overall rating based on those components."

In line 2681, after "(C)" insert "Each internet- or computer-based community school may, at the time of a particular student's enrollment in that school, ask the student's parent or guardian to estimate the length of time the student will attend the school. Any information collected pursuant to this division shall be included in an aggregated format in the school's annual report required by division (A)(11)(g) of section 3314.03 of the Revised Code.

(D)"

Delete lines 2376 through 2382

After line 3071, insert:

"**Section 5.** Notwithstanding any provision of law to the contrary, the Department of Education may renew or extend an agreement between a sponsor and the Department pursuant to division (B) of section 3314.015 of the Revised Code, that expires in June of 2016, one time only, for a period of up to two years, in the event that the Department has not yet issued a rating for the sponsor under section 3314.016 of the Revised Code, as that section exists on and after January 1, 2015."

In line 6 of the title, after "3314.019," insert "3314.025,"

In line 21, after "3314.019," insert "3314.025,"

Between lines 1573 and 1574, insert:

"**Sec. 3314.025.** When an operator or management company

purchases furniture, computers, software, equipment, or other personal property for use in the operation of a community school under this chapter with state funds that were paid to the operator or management company by the community school as payment for services rendered, such property is property of that school and is not property of the operator or management company.

When a community school permanently closes and ceases its operation as a community school, any property that was acquired by the operator or management company of the school in the manner described in this section shall be distributed in accordance with division (E) of section 3314.015 and section 3314.074 of the Revised Code."

In line 2142, after the underlined period insert "Any stipulation regarding property ownership shall comply with the requirements of section 3314.025 of the Revised Code."

Between lines 2876 and 2877, insert:

"(3) If the sponsor of a community school is a state university, as defined in section 3345.011 of the Revised Code, the sponsor may sell services to that community school at no profit to the sponsor."

In line 619, delete "(A) In the 2015-2016 school year, the" and insert "The"

In line 626, delete "The" and insert "Not later than December 1, 2016, the"; delete "reports" and insert "a report"

In line 627, delete "as" and insert "and recommendations to"; delete "or" and insert "and the"

In line 628, delete "request" and insert "in accordance with section 101.68 of the Revised Code"

Delete lines 629 through 644

In line 1 of the title, after "3302.03," insert "3309.011,"

In line 4 of the title, after "3314.091," insert "3314.10,"

In line 6 of the title, after "3302.037," insert "3309.013,"

In line 12 of the title, after "schools" insert "and membership in the School Employees Retirement System"

In line 17, after "3302.03," insert "3309.011,"

In line 19, after "3314.091," insert "3314.10,"

In line 21, after "3302.037," insert "3309.013,"

Between lines 644 and 645, insert:

LEGEND

GA: 122

BN: Sub. H.B. 648

EFD: 09/16/98

CONCD:

INFO: HB0

"Sec. 3309.011. "Employee" as defined in division (B) of section 3309.01 of the Revised Code, does not include ~~either~~ any of the following:

(A) Any person having a license issued pursuant to sections 3319.22 to 3319.31 of the Revised Code and employed in a public school in this state in an educational position, as determined by the state board of education, under programs provided for by federal acts or regulations and financed in whole or in part from federal funds, but for which no licensure requirements for the position can be made under the provisions of such federal acts or regulations;

(B) Any person who participates in an alternative retirement plan established under Chapter 3305. of the Revised Code;

(C) Any person who elects to transfer from the school employees retirement system to the public employees retirement system under section 3309.312 of the Revised Code;

(D) Any person whose full-time employment by the university of Akron as a state university law enforcement officer pursuant to section 3345.04 of the Revised Code commences on or after ~~the effective date of this amendment~~ September 16, 1998;

(E) Any person described in division (B) of section 3309.013 of the Revised Code.

Sec. 3309.013. (A) As used in this section, "operator" has the same meaning as in section 3314.02 of the Revised Code.

(B) "Employee," as defined in division (B) of section 3309.01 of the Revised Code, does not include either of the following:

(1) Any person initially employed on or after July 1, 2016, by a community school operator and for whom the operator withholds and pays employee and employer taxes pursuant to 26 U.S.C. 3101(a) and 3111(a) beginning with the first paycheck after commencing initial employment;

(2) Except as provided in division (C) of this section, any person who is a former employee of a community school operator who is reemployed on or after July 1, 2016, by that operator and for whom the operator withholds and pays employee and employer taxes pursuant to 26 U.S.C. 3101(a) and 3111(a) beginning with the first paycheck after commencing reemployment with that operator.

(C) Division (B)(2) of this section does not apply to either of the following:

(1) Any person who was employed by the same operator at any time within the period of July 1, 2015, to June 30, 2016, and whose date of reemployment is before July 1, 2017;

(2) Any person to whom both of the following apply:

(a) The person was employed by the same operator at any time in the twelve-month period preceding the date the operator for the first time withholds and pays employee and employer taxes pursuant to 26 U.S.C. 3101(a) and 3111(a) on behalf of its employees and had previously only contributed to the school employees retirement system;

(b) The person's date of reemployment is not more than twelve months after the date the operator for the first time withholds and pays employee and employer taxes pursuant to 26 U.S.C. 3101(a) and 3111(a)."

Between lines 2628 and 2629, insert:

LEGEND

GA: 129

BN: Sub. H.B. 525

EFD: 10/01/12

CONCD:

INFO:

"Sec. 3314.10. (A)(1) The governing authority of any community school established under this chapter may employ teachers and nonteaching employes necessary to carry out its mission and fulfill its contract.

(2) Except as provided under division (A)(3) of this section, employees hired under this section may organize and collectively bargain pursuant to Chapter 4117. of the Revised Code. Notwithstanding division (D) (1) of section 4117.06 of the Revised Code, a unit containing teaching and nonteaching employees employed under this section shall be considered an appropriate unit. ~~As applicable~~ Except as provided in section 3309.013 of the Revised Code, employment under this section is subject to either Chapter 3307. or 3309. of the Revised Code.

(3) If a school is created by converting all or part of an existing public school rather than by establishment of a new start-up school, at the time of conversion, the employees of the community school shall remain part of any collective bargaining unit in which they were included immediately prior to the conversion and shall remain subject to any collective bargaining agreement for that unit in effect on the first day of July of the year in which the community school initially begins operation and shall be subject to any subsequent collective bargaining agreement for that unit, unless a petition is certified as sufficient under division (A)(6) of this section with regard to those employees. Any new employees of the community school shall also be

included in the unit to which they would have been assigned had not the conversion taken place and shall be subject to the collective bargaining agreement for that unit unless a petition is certified as sufficient under division (A)(6) of this section with regard to those employees.

Notwithstanding division (B) of section 4117.01 of the Revised Code, the board of education of a school district and not the governing authority of a community school shall be regarded, for purposes of Chapter 4117. of the Revised Code, as the "public employer" of the employees of a conversion community school subject to a collective bargaining agreement pursuant to division (A)(3) of this section unless a petition is certified under division (A)(6) of this section with regard to those employees. Only on and after the effective date of a petition certified as sufficient under division (A)(6) of this section shall division (A)(2) of this section apply to those employees of that community school and only on and after the effective date of that petition shall Chapter 4117. of the Revised Code apply to the governing authority of that community school with regard to those employees.

(4) Notwithstanding sections 4117.03 to 4117.18 of the Revised Code and Section 4 of Amended Substitute Senate Bill No. 133 of the 115th general assembly, the employees of a conversion community school who are subject to a collective bargaining agreement pursuant to division (A)(3) of this section shall cease to be subject to that agreement and all subsequent agreements pursuant to that division and shall cease to be part of the collective bargaining unit that is subject to that and all subsequent agreements, if a majority of the employees of that community school who are subject to that collective bargaining agreement sign and submit to the state employment relations board a petition requesting all of the following:

(a) That all the employees of the community school who are subject to that agreement be removed from the bargaining unit that is subject to that agreement and be designated by the state employment relations board as a new and separate bargaining unit for purposes of Chapter 4117. of the Revised Code;

(b) That the employee organization certified as the exclusive representative of the employees of the bargaining unit from which the employees are to be removed be certified as the exclusive representative of the new and separate bargaining unit for purposes of Chapter 4117. of the Revised Code;

(c) That the governing authority of the community school be regarded as the "public employer" of these employees for purposes of Chapter 4117. of the Revised Code.

(5) Notwithstanding sections 4117.03 to 4117.18 of the Revised Code and Section 4 of Amended Substitute Senate Bill No. 133 of the 115th general

assembly, the employees of a conversion community school who are subject to a collective bargaining agreement pursuant to division (A)(3) of this section shall cease to be subject to that agreement and all subsequent agreements pursuant to that division, shall cease to be part of the collective bargaining unit that is subject to that and all subsequent agreements, and shall cease to be represented by any exclusive representative of that collective bargaining unit, if a majority of the employees of the community school who are subject to that collective bargaining agreement sign and submit to the state employment relations board a petition requesting all of the following:

(a) That all the employees of the community school who are subject to that agreement be removed from the bargaining unit that is subject to that agreement;

(b) That any employee organization certified as the exclusive representative of the employees of that bargaining unit be decertified as the exclusive representative of the employees of the community school who are subject to that agreement;

(c) That the governing authority of the community school be regarded as the "public employer" of these employees for purposes of Chapter 4117. of the Revised Code.

(6) Upon receipt of a petition under division (A)(4) or (5) of this section, the state employment relations board shall check the sufficiency of the signatures on the petition. If the signatures are found sufficient, the board shall certify the sufficiency of the petition and so notify the parties involved, including the board of education, the governing authority of the community school, and any exclusive representative of the bargaining unit. The changes requested in a certified petition shall take effect on the first day of the month immediately following the date on which the sufficiency of the petition is certified under division (A)(6) of this section.

(B)(1) The board of education of each city, local, and exempted village school district sponsoring a community school and the governing board of each educational service center in which a community school is located shall adopt a policy that provides a leave of absence of at least three years to each teacher or nonteaching employee of the district or service center who is employed by a conversion or new start-up community school sponsored by the district or located in the district or center for the period during which the teacher or employee is continuously employed by the community school. The policy shall also provide that any teacher or nonteaching employee may return to employment by the district or service center if the teacher or employee leaves or is discharged from employment with the community school for any reason, unless, in the case of a teacher, the board of the district or service center determines that the teacher was discharged for a reason for which the board would have sought to discharge

the teacher under section 3311.82 or 3319.16 of the Revised Code, in which case the board may proceed to discharge the teacher utilizing the procedures of that section. Upon termination of such a leave of absence, any seniority that is applicable to the person shall be calculated to include all of the following: all employment by the district or service center prior to the leave of absence; all employment by the community school during the leave of absence; and all employment by the district or service center after the leave of absence. The policy shall also provide that if any teacher holding valid certification returns to employment by the district or service center upon termination of such a leave of absence, the teacher shall be restored to the previous position and salary or to a position and salary similar thereto. If, as a result of teachers returning to employment upon termination of such leaves of absence, a school district or educational service center reduces the number of teachers it employs, it shall make such reductions in accordance with section 3319.171 of the Revised Code.

Unless a collective bargaining agreement providing otherwise is in effect for an employee of a conversion community school pursuant to division (A)(3) of this section, an employee on a leave of absence pursuant to this division shall remain eligible for any benefits that are in addition to benefits under Chapter 3307. or 3309. of the Revised Code provided by the district or service center to its employees provided the employee pays the entire cost associated with such benefits, except that personal leave and vacation leave cannot be accrued for use as an employee of a school district or service center while in the employ of a community school unless the district or service center board adopts a policy expressly permitting this accrual.

(2) While on a leave of absence pursuant to division (B)(1) of this section, a conversion community school shall permit a teacher to use sick leave accrued while in the employ of the school district from which the leave of absence was taken and prior to commencing such leave. If a teacher who is on such a leave of absence uses sick leave so accrued, the cost of any salary paid by the community school to the teacher for that time shall be reported to the department of education. The cost of employing a substitute teacher for that time shall be paid by the community school. The department of education shall add amounts to the payments made to a community school under this chapter as necessary to cover the cost of salary reported by a community school as paid to a teacher using sick leave so accrued pursuant to this section. The department shall subtract the amounts of any payments made to community schools under this division from payments made to such sponsoring school district under Chapter 3317. of the Revised Code.

A school district providing a leave of absence and employee benefits to a person pursuant to this division is not liable for any action of that person while the person is on such leave and employed by a community school."

In line 3010, after "3302.03," insert "3309.011,"

In line 3012, after "3314.091," insert "3314.10,"

In line 1 of the title, after "3302.03," insert "3307.01,"

In line 4 of the title, after "3314.091," insert "3314.10,"

In line 12 of the title, after "schools" insert "and membership in the State Teachers Retirement System"

In line 17, after "3302.03," insert "3307.01,"

In line 19, after "3314.091," insert "3314.10,"

Between lines 644 and 645, insert:

LEGEND

GA: 130

BN: Am. Sub. H.B. 488

EFD: 09/16/14

CONCD:

INFO:

"Sec. 3307.01. As used in this chapter:

(A) "Employer" means the board of education, school district, governing authority of any community school established under Chapter 3314. of the Revised Code, a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, college, university, institution, or other agency within the state by which a teacher is employed and paid.

(B)(1) "Teacher" means all of the following:

(a) Any person paid from public funds and employed in the public schools of the state under any type of contract described in section 3311.77 or 3319.08 of the Revised Code in a position for which the person is required to have a license issued pursuant to sections 3319.22 to 3319.31 of the Revised Code;

(b) ~~Any~~ Except as provided in division (B)(2)(b) or (c) of this section, any person employed as a teacher by or faculty member in a community school or a science, technology, engineering, and mathematics school pursuant to Chapter 3314. or 3326. of the Revised Code;

(c) Any person having a license issued pursuant to sections 3319.22 to 3319.31 of the Revised Code and employed in a public school in this state in an educational position, as determined by the state board of education, under programs provided for by federal acts or regulations and financed in whole or in part from federal funds, but for which no licensure requirements for the position can be made under the provisions of such federal acts or

regulations;

(d) Any other teacher or faculty member employed in any school, college, university, institution, or other agency wholly controlled and managed, and supported in whole or in part, by the state or any political subdivision thereof, including Central state university, Cleveland state university, and the university of Toledo;

(e) The educational employees of the department of education, as determined by the state superintendent of public instruction.

In all cases of doubt, the state teachers retirement board shall determine whether any person is a teacher, and its decision shall be final.

(2) "Teacher" does not include any of the following:

(a) Any eligible employee of a public institution of higher education, as defined in section 3305.01 of the Revised Code, who elects to participate in an alternative retirement plan established under Chapter 3305. of the Revised Code;

(b) Any person employed by a community school operator, as defined in section 3314.02 of the Revised Code, for whom the operator withholds and pays employee and employer taxes pursuant to 26 U.S.C. 3101(a) and 3111(a), unless the person had contributing service in a community school in the state within one year prior to the later of July 1, 2016, or the date on which the operator for the first time withholds and pays employee and employer taxes pursuant to 26 U.S.C. 3101(a) and 3111(a) for that person;

(c) Any person who would otherwise be a teacher under division (B) (2)(b) of this section who terminates employment with a community school operator and has no contributing service in a community school in the state for a period of at least one year from the date of termination of employment.

(C) "Member" means any person included in the membership of the state teachers retirement system, which shall consist of all teachers and contributors as defined in divisions (B) and (D) of this section and all disability benefit recipients, as defined in section 3307.50 of the Revised Code. However, for purposes of this chapter, the following persons shall not be considered members:

(1) A student, intern, or resident who is not a member while employed part-time by a school, college, or university at which the student, intern, or resident is regularly attending classes;

(2) A person denied membership pursuant to section 3307.24 of the Revised Code;

(3) An other system retirant, as defined in section 3307.35 of the Revised Code, or a superannuate;

(4) An individual employed in a program established pursuant to the

"Job Training Partnership Act," 96 Stat. 1322 (1982), 29 U.S.C.A. 1501;

(5) The surviving spouse of a member or retirant if the surviving spouse's only connection to the retirement system is an account in an STRS defined contribution plan.

(D) "Contributor" means any person who has an account in the teachers' savings fund or defined contribution fund, except that "contributor" does not mean a member or retirant's surviving spouse with an account in an STRS defined contribution plan.

(E) "Beneficiary" means any person eligible to receive, or in receipt of, a retirement allowance or other benefit provided by this chapter.

(F) "Year" means the year beginning the first day of July and ending with the thirtieth day of June next following, except that for the purpose of determining final average salary under the plan described in sections 3307.50 to 3307.79 of the Revised Code, "year" may mean the contract year.

(G) "Local district pension system" means any school teachers pension fund created in any school district of the state in accordance with the laws of the state prior to September 1, 1920.

(H) "Employer contribution" means the amount paid by an employer, as determined by the employer rate, including the normal and deficiency rates, contributions, and funds wherever used in this chapter.

(I) "Five years of service credit" means employment covered under this chapter and employment covered under a former retirement plan operated, recognized, or endorsed by a college, institute, university, or political subdivision of this state prior to coverage under this chapter.

(J) "Actuary" means an actuarial professional contracted with or employed by the state teachers retirement board, who shall be either of the following:

(1) A member of the American academy of actuaries;

(2) A firm, partnership, or corporation of which at least one person is a member of the American academy of actuaries.

(K) "Fiduciary" means a person who does any of the following:

(1) Exercises any discretionary authority or control with respect to the management of the system, or with respect to the management or disposition of its assets;

(2) Renders investment advice for a fee, direct or indirect, with respect to money or property of the system;

(3) Has any discretionary authority or responsibility in the administration of the system.

(L)(1) Except as provided in this division, "compensation" means all

salary, wages, and other earnings paid to a teacher by reason of the teacher's employment, including compensation paid pursuant to a supplemental contract. The salary, wages, and other earnings shall be determined prior to determination of the amount required to be contributed to the teachers' savings fund or defined contribution fund under section 3307.26 of the Revised Code and without regard to whether any of the salary, wages, or other earnings are treated as deferred income for federal income tax purposes.

(2) Compensation does not include any of the following:

(a) Payments for accrued but unused sick leave or personal leave, including payments made under a plan established pursuant to section 124.39 of the Revised Code or any other plan established by the employer;

(b) Payments made for accrued but unused vacation leave, including payments made pursuant to section 124.13 of the Revised Code or a plan established by the employer;

(c) Payments made for vacation pay covering concurrent periods for which other salary, compensation, or benefits under this chapter or Chapter 145. or 3309. of the Revised Code are paid;

(d) Amounts paid by the employer to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the teacher or the teacher's family, or amounts paid by the employer to the teacher in lieu of providing the insurance;

(e) Incidental benefits, including lodging, food, laundry, parking, or services furnished by the employer, use of the employer's property or equipment, and reimbursement for job-related expenses authorized by the employer, including moving and travel expenses and expenses related to professional development;

(f) Payments made by the employer in exchange for a member's waiver of a right to receive any payment, amount, or benefit described in division (L)(2) of this section;

(g) Payments by the employer for services not actually rendered;

(h) Any amount paid by the employer as a retroactive increase in salary, wages, or other earnings, unless the increase is one of the following:

(i) A retroactive increase paid to a member employed by a school district board of education in a position that requires a license designated for teaching and not designated for being an administrator issued under section 3319.22 of the Revised Code that is paid in accordance with uniform criteria applicable to all members employed by the board in positions requiring the licenses;

(ii) A retroactive increase paid to a member employed by a school district board of education in a position that requires a license designated for

being an administrator issued under section 3319.22 of the Revised Code that is paid in accordance with uniform criteria applicable to all members employed by the board in positions requiring the licenses;

(iii) A retroactive increase paid to a member employed by a school district board of education as a superintendent that is also paid as described in division (L)(2)(h)(i) of this section;

(iv) A retroactive increase paid to a member employed by an employer other than a school district board of education in accordance with uniform criteria applicable to all members employed by the employer.

(i) Payments made to or on behalf of a teacher that are in excess of the annual compensation that may be taken into account by the retirement system under division (a)(17) of section 401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 401(a)(17), as amended. For a teacher who first establishes membership before July 1, 1996, the annual compensation that may be taken into account by the retirement system shall be determined under division (d)(3) of section 13212 of the "Omnibus Budget Reconciliation Act of 1993," Pub. L. No. 103-66, 107 Stat. 472.

(j) Payments made under division (B), (C), or (E) of section 5923.05 of the Revised Code, Section 4 of Substitute Senate Bill No. 3 of the 119th general assembly, Section 3 of Amended Substitute Senate Bill No. 164 of the 124th general assembly, or Amended Substitute House Bill No. 405 of the 124th general assembly;

(k) Anything of value received by the teacher that is based on or attributable to retirement or an agreement to retire;

(l) Any amount paid by the employer as a retroactive payment of earnings, damages, or back pay pursuant to a court order, court-adopted settlement agreement, or other settlement agreement, unless the retirement system receives both of the following:

(i) Teacher and employer contributions under sections 3307.26 and 3307.28 of the Revised Code, plus interest compounded annually at a rate determined by the board, for each year or portion of a year for which amounts are paid under the order or agreement;

(ii) Teacher and employer contributions under sections 3307.26 and 3307.28 of the Revised Code, plus interest compounded annually at a rate determined by the board, for each year or portion of a year not subject to division (L)(2)(l)(i) of this section for which the board determines the teacher was improperly paid, regardless of the teacher's ability to recover on such amounts improperly paid.

(3) The retirement board shall determine both of the following:

(a) Whether particular forms of earnings are included in any of the categories enumerated in this division;

(b) Whether any form of earnings not enumerated in this division is to be included in compensation.

Decisions of the board made under this division shall be final.

(M) "Superannuate" means both of the following:

(1) A former teacher receiving from the system a retirement allowance under section 3307.58 or 3307.59 of the Revised Code;

(2) A former teacher receiving a benefit from the system under a plan established under section 3307.81 of the Revised Code, except that "superannuate" does not include a former teacher who is receiving a benefit based on disability under a plan established under section 3307.81 of the Revised Code.

For purposes of sections 3307.35 and 3307.353 of the Revised Code, "superannuate" also means a former teacher receiving from the system a combined service retirement benefit paid in accordance with section 3307.57 of the Revised Code, regardless of which retirement system is paying the benefit.

(N) "STRS defined benefit plan" means the plan described in sections 3307.50 to 3307.79 of the Revised Code.

(O) "STRS defined contribution plan" means the plans established under section 3307.81 of the Revised Code and includes the STRS combined plan under that section.

(P) "Faculty" means the teaching staff of a university, college, or school, including any academic administrators."

Between lines 2628 and 2629, insert:

LEGEND

GA: 129

BN: Sub. H.B. 525

EFD: 10/01/12

CONCD:

INFO:

"Sec. 3314.10. (A)(1) The governing authority of any community school established under this chapter may employ teachers and nonteaching employees necessary to carry out its mission and fulfill its contract.

(2) Except as provided under division (A)(3) of this section, employees hired under this section may organize and collectively bargain pursuant to Chapter 4117. of the Revised Code. Notwithstanding division (D) (1) of section 4117.06 of the Revised Code, a unit containing teaching and nonteaching employees employed under this section shall be considered an

appropriate unit. ~~As applicable~~ Except as provided in divisions (B)(2)(b) and (c) of section 3307.01 of the Revised Code, employment under this section is subject to either Chapter 3307. or 3309. of the Revised Code.

(3) If a school is created by converting all or part of an existing public school rather than by establishment of a new start-up school, at the time of conversion, the employees of the community school shall remain part of any collective bargaining unit in which they were included immediately prior to the conversion and shall remain subject to any collective bargaining agreement for that unit in effect on the first day of July of the year in which the community school initially begins operation and shall be subject to any subsequent collective bargaining agreement for that unit, unless a petition is certified as sufficient under division (A)(6) of this section with regard to those employees. Any new employees of the community school shall also be included in the unit to which they would have been assigned had not the conversion taken place and shall be subject to the collective bargaining agreement for that unit unless a petition is certified as sufficient under division (A)(6) of this section with regard to those employees.

Notwithstanding division (B) of section 4117.01 of the Revised Code, the board of education of a school district and not the governing authority of a community school shall be regarded, for purposes of Chapter 4117. of the Revised Code, as the "public employer" of the employees of a conversion community school subject to a collective bargaining agreement pursuant to division (A)(3) of this section unless a petition is certified under division (A)(6) of this section with regard to those employees. Only on and after the effective date of a petition certified as sufficient under division (A)(6) of this section shall division (A)(2) of this section apply to those employees of that community school and only on and after the effective date of that petition shall Chapter 4117. of the Revised Code apply to the governing authority of that community school with regard to those employees.

(4) Notwithstanding sections 4117.03 to 4117.18 of the Revised Code and Section 4 of Amended Substitute Senate Bill No. 133 of the 115th general assembly, the employees of a conversion community school who are subject to a collective bargaining agreement pursuant to division (A)(3) of this section shall cease to be subject to that agreement and all subsequent agreements pursuant to that division and shall cease to be part of the collective bargaining unit that is subject to that and all subsequent agreements, if a majority of the employees of that community school who are subject to that collective bargaining agreement sign and submit to the state employment relations board a petition requesting all of the following:

(a) That all the employees of the community school who are subject to that agreement be removed from the bargaining unit that is subject to that

agreement and be designated by the state employment relations board as a new and separate bargaining unit for purposes of Chapter 4117. of the Revised Code;

(b) That the employee organization certified as the exclusive representative of the employees of the bargaining unit from which the employees are to be removed be certified as the exclusive representative of the new and separate bargaining unit for purposes of Chapter 4117. of the Revised Code;

(c) That the governing authority of the community school be regarded as the "public employer" of these employees for purposes of Chapter 4117. of the Revised Code.

(5) Notwithstanding sections 4117.03 to 4117.18 of the Revised Code and Section 4 of Amended Substitute Senate Bill No. 133 of the 115th general assembly, the employees of a conversion community school who are subject to a collective bargaining agreement pursuant to division (A)(3) of this section shall cease to be subject to that agreement and all subsequent agreements pursuant to that division, shall cease to be part of the collective bargaining unit that is subject to that and all subsequent agreements, and shall cease to be represented by any exclusive representative of that collective bargaining unit, if a majority of the employees of the community school who are subject to that collective bargaining agreement sign and submit to the state employment relations board a petition requesting all of the following:

(a) That all the employees of the community school who are subject to that agreement be removed from the bargaining unit that is subject to that agreement;

(b) That any employee organization certified as the exclusive representative of the employees of that bargaining unit be decertified as the exclusive representative of the employees of the community school who are subject to that agreement;

(c) That the governing authority of the community school be regarded as the "public employer" of these employees for purposes of Chapter 4117. of the Revised Code.

(6) Upon receipt of a petition under division (A)(4) or (5) of this section, the state employment relations board shall check the sufficiency of the signatures on the petition. If the signatures are found sufficient, the board shall certify the sufficiency of the petition and so notify the parties involved, including the board of education, the governing authority of the community school, and any exclusive representative of the bargaining unit. The changes requested in a certified petition shall take effect on the first day of the month immediately following the date on which the sufficiency of the petition is certified under division (A)(6) of this section.

(B)(1) The board of education of each city, local, and exempted village school district sponsoring a community school and the governing board of each educational service center in which a community school is located shall adopt a policy that provides a leave of absence of at least three years to each teacher or nonteaching employee of the district or service center who is employed by a conversion or new start-up community school sponsored by the district or located in the district or center for the period during which the teacher or employee is continuously employed by the community school. The policy shall also provide that any teacher or nonteaching employee may return to employment by the district or service center if the teacher or employee leaves or is discharged from employment with the community school for any reason, unless, in the case of a teacher, the board of the district or service center determines that the teacher was discharged for a reason for which the board would have sought to discharge the teacher under section 3311.82 or 3319.16 of the Revised Code, in which case the board may proceed to discharge the teacher utilizing the procedures of that section. Upon termination of such a leave of absence, any seniority that is applicable to the person shall be calculated to include all of the following: all employment by the district or service center prior to the leave of absence; all employment by the community school during the leave of absence; and all employment by the district or service center after the leave of absence. The policy shall also provide that if any teacher holding valid certification returns to employment by the district or service center upon termination of such a leave of absence, the teacher shall be restored to the previous position and salary or to a position and salary similar thereto. If, as a result of teachers returning to employment upon termination of such leaves of absence, a school district or educational service center reduces the number of teachers it employs, it shall make such reductions in accordance with section 3319.171 of the Revised Code.

Unless a collective bargaining agreement providing otherwise is in effect for an employee of a conversion community school pursuant to division (A)(3) of this section, an employee on a leave of absence pursuant to this division shall remain eligible for any benefits that are in addition to benefits under Chapter 3307. or 3309. of the Revised Code provided by the district or service center to its employees provided the employee pays the entire cost associated with such benefits, except that personal leave and vacation leave cannot be accrued for use as an employee of a school district or service center while in the employ of a community school unless the district or service center board adopts a policy expressly permitting this accrual.

(2) While on a leave of absence pursuant to division (B)(1) of this section, a conversion community school shall permit a teacher to use sick leave accrued while in the employ of the school district from which the leave of absence was taken and prior to commencing such leave. If a teacher who is

on such a leave of absence uses sick leave so accrued, the cost of any salary paid by the community school to the teacher for that time shall be reported to the department of education. The cost of employing a substitute teacher for that time shall be paid by the community school. The department of education shall add amounts to the payments made to a community school under this chapter as necessary to cover the cost of salary reported by a community school as paid to a teacher using sick leave so accrued pursuant to this section. The department shall subtract the amounts of any payments made to community schools under this division from payments made to such sponsoring school district under Chapter 3317. of the Revised Code.

A school district providing a leave of absence and employee benefits to a person pursuant to this division is not liable for any action of that person while the person is on such leave and employed by a community school."

In line 3010, after "3302.03," insert "3307.01,"

In line 3012, after "3314.091," insert "3314.10,"

In line 2186, delete ", and after December 31, 2015"

In line 2193, after "board" insert "of education"

In line 2208, after "section" insert ", or the proposed sponsor is the office of Ohio school sponsorship established in section 3314.029 of the Revised Code"

Delete lines 2213 through 2217 and insert:

"(4) The department grants the school's request pursuant to division (C) of this section.

(C) A school shall submit a request to change sponsors under this section not later than on the fifteenth day of February of the year in which the school wishes to do so. The department shall grant or deny the request not later than thirty days after the department receives it. If the department denies the request, the community school may submit an appeal to the state board of education, which shall hold a hearing in accordance with Chapter 119. of the Revised Code. The community school shall file its notice of appeal to the state board not later than ten days after receiving the decision from the department. The state board shall conduct the hearing not later than thirty days after receiving the school's notice of appeal and act upon the determination of the hearing officer not later than the twenty-fifth day of June of the year in which the school wishes to change sponsors.

(D) Factors to be considered during a hearing held pursuant to division (C) of this section include, but are not limited to, the following:

(1) The school's impact on the students and the community or communities it serves;

(2) The quality and quantity of academic and administrative support

the school receives from its current sponsor to help the school to improve:

(3) The sponsor's annual evaluations of the community school under division (D)(2) of section 3314.03 of the Revised Code for the previous three years;

(4) The academic performance of the school, taking into account the demographic information of the students enrolled in the school;

(5) The academic performance of alternative schools that serve comparable populations of students as those served by the community school;

(6) The fiscal stability of the school;

(7) The results of any audits of the school by the auditor of state;

(8) The length of time the school has been under the oversight of its current sponsor;

(9) The number of times the school has changed sponsors prior to the current request;

(10) Parent and student satisfaction rates as demonstrated by surveys, if available."

Managers on the Part of the House of Representatives

/S/ BILL HAYES
BILL HAYES

/S/ RON AMSTUTZ
RON AMSTUTZ

/S/ TERESA FEDOR
TERESA FEDOR

Managers on the Part of the Senate

/S/ PEGGY LEHNER
PEGGY LEHNER

/S/ CLIFF HITE
CLIFF HITE

/S/ TOM SAWYER
TOM SAWYER

Pursuant to Senate Rule No. 44, Senator Obhof moved that the report of the Conference Committee on **Sub. H. B. No. 2** be brought up for consideration.

The question being, "Shall the motion be agreed to?"

The motion was agreed to.

The question being, "Shall the report of the Committee of Conference be agreed to?"

The yeas and nays were taken and resulted – yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Coley	Eklund	Gardner
Gentile	Hite	Hottinger	Hughes
Jones	Jordan	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Peterson	Sawyer	Schiavoni	Seitz
Skindell	Tavares	Thomas	Uecker

Widener

Williams

Yuko

Faber-32

So the report of the Committee of Conference was agreed to.

RESOLUTIONS REPORTED BY COMMITTEE

S. C. R. No. 6-Senator Balderson.

Cosponsors: Senators Hite, Hughes, LaRose, Seitz, Williams, Gardner.

To urge the U.S. Congress to lift the prohibition on the export of crude oil from the United States.

WHEREAS, Beginning with the Energy Policy and Conservation Act of 1975, the U.S. Congress has prohibited the export of crude oil from the United States; and

WHEREAS, The 1970s saw high oil prices as a result of the Organization of the Petroleum Exporting Countries' withholding of production and a need to increase domestic energy production and supply to provide for energy independence. Thus, the prohibition originally was intended to preserve domestic price ceilings by preventing domestic producers from receiving higher world oil prices and to preserve a depleting domestic reserve; and

WHEREAS, Since that time, the use of directional drilling and hydraulic fracturing technologies in shale formations in the United States has made this country more crude oil independent. Additionally, the United States is currently exporting over four million barrels of refined products, such as gasoline, each day; and

WHEREAS, The continued oil production in Ohio and across the country is providing an opportunity for economic growth and stability through the export of crude oil. Thus, the prohibition on exports of crude oil is no longer necessary; now therefore be it

RESOLVED, That we, the members of the 131st General Assembly of the State of Ohio, urge the U.S. Congress to lift the prohibition on the export of crude oil from the United States; and be it further

RESOLVED, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the President of the United States, the U.S. Secretary of Commerce, the U.S. Secretary of Energy, the President Pro Tempore and Minority Leader of the U.S. Senate, the Speaker and Minority Leader of the U.S. House of Representatives, and the members of the Ohio Congressional delegation.

The question being, "Shall the concurrent resolution, **S. C. R. No. 6**, be adopted?"

The yeas and nays were taken and resulted – yeas 31, nays 1, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Coley	Eklund	Gardner
Gentile	Hite	Hottinger	Hughes
Jones	Jordan	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Peterson	Sawyer	Schiavoni	Seitz
Tavares	Thomas	Uecker	Widener
Williams	Yuko		Faber-31

Senator Skindell voted in the negative-1.

So the concurrent resolution was adopted.

The question being, "Shall the title be agreed to?"

Senator Balderson moved to amend the title as follows:

Add the names: "Senators Bacon, Burke, Coley, Eklund, Hottinger, Jordan, Lehner, Uecker."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 124-Representatives Johnson, T., Huffman.

Cosponsors: Representatives Grossman, Blessing, Gonzales, Antonio, Barnes, Bishoff, Brown, Lepore-Hagan, Sears, Boyd, Clyde, Craig, Driehaus, Fedor, Gerberry, Green, Hackett, Howse, Johnson, G., Kuhns, O'Brien, M., O'Brien, S., Patterson, Phillips, Ramos, Reece, Rogers, Sheehy, Stinziano, Strahorn, Sweeney, Sykes. Senators Gardner, Lehner, Brown.

To amend section 4729.01 and to enact sections 4723.4810, 4729.282, 4730.432, and 4731.93 of the Revised Code regarding the authority to prescribe or personally furnish without examination a drug for a sexual partner of a patient diagnosed with chlamydia, gonorrhea, or trichomoniasis, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 124**, pass?"

The yeas and nays were taken and resulted – yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Coley	Eklund	Gardner
Gentile	Hite	Hottinger	Hughes
Jones	Jordan	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Peterson	Sawyer	Schiavoni	Seitz
Skindell	Tavares	Thomas	Uecker
Widener	Williams	Yuko	Faber-32

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Jones moved to amend the title as follows:

Add the names: "Senators Eklund, Jones, Manning, Patton, Sawyer, Schiavoni, Seitz, Tavares, Thomas."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

Sub. S. B. No. 139-Senators Seitz, Williams.

Cosponsors: Senators Tavares, Brown, LaRose, Eklund.

To amend sections 2929.03, 2953.21, and 2953.23 of the Revised Code to require the clerk of a common pleas court to retain a copy of the original trial file when a death penalty is imposed, to specify that there is no page limit on petitions for postconviction relief in death penalty cases or in appeals of denials of such relief, to modify the time for filing an amended postconviction relief petition in death penalty cases, to provide for depositions and subpoenas during discovery in postconviction relief proceedings in death penalty cases, and to require a judge hearing a postconviction relief proceeding in a death penalty case to state specifically in the findings of fact and conclusions of law why each claim was either denied or granted, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 139**, pass?"

The yeas and nays were taken and resulted – yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Coley	Eklund	Gardner
Gentile	Hite	Hottinger	Hughes
Jones	Jordan	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Peterson	Sawyer	Schiavoni	Seitz
Skindell	Tavares	Thomas	Uecker
Widener	Williams	Yuko	Faber-32

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Seitz moved to amend the title as follows:

Add the names: "Senators Burke, Coley, Lehner, Manning, Schiavoni, Thomas."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

MOTIONS

Senator Obhof moved that Senators absent the week of Sunday, October 4, 2015, be excused, so long as a written explanation is on file with the Clerk pursuant to Senate Rule No. 17.

The question being, "Shall the motion be agreed to?"

The motion was agreed to.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered for the first time:

S. B. No. 222 - Senators Lehner, Williams.

Cosponsors: Senators Jones, Tavares, Yuko, Brown.

To amend sections 149.43, 2929.18, 2929.28, 3503.13, 3503.16, 3503.21, 3503.23, 3503.24, 3503.26, 3504.02, 3504.04, 3505.181, 3505.182, 3505.183, 3509.03, 3509.04, 3509.05, 3509.06, 3509.07, 3509.09, 3511.02, 3511.05, 3511.11, and 3511.12 and to enact sections 111.41, 111.42, 111.43, 111.44, 111.45, 111.46, 111.47, 111.48, and 111.99 of the Revised Code to create an address confidentiality program for victims of domestic violence, menacing by stalking, human trafficking, trafficking in persons, rape, sexual battery, and other crimes.

S. B. No. 223 - Senator Bacon.

To amend sections 3956.01 and 3956.04 of the Revised Code to make changes to the health coverage benefit limits and coverage exclusions for life and health insurance guaranty associations.

S. B. No. 224 - Senator Brown.

Cosponsors: Senators Cafaro, Schiavoni, Thomas, Williams, Yuko, Tavares.

To amend sections 939.03 and 939.07 and to enact sections 901.80 and 901.81 of the Revised Code to revise the application and enforcement of the law governing operation and management plans, and to require certain animal feeding facilities to annually report the amount of manure that is applied by or for the facilities.

OFFERING OF RESOLUTIONS

Pursuant to Senate Rule No. 54, the following resolution was offered:

S. R. No. 238 - Senator Yuko.

Honoring Hilltop Elementary School as a Blue Ribbon School.

The question being, "Shall the resolution listed under the President's prerogative be adopted?"

So the resolution was adopted.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 755.50 of Am. Sub. H.B. 53 of the 131st General Assembly, the President of the Senate appoints the following members to the Transportation Oversight Committee on Rural Busing:

Senator Gayle Manning
Senator Tom Patton
Senator Capri Cafaro

On the motion of Senator Widener, the Senate adjourned until Thursday, October 8, 2015 at 9:30 a.m.

Attest:

VINCENT L. KEERAN,
Clerk.