

As Introduced

**129th General Assembly
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H. B. No. 525

Representatives Williams, Amstutz

Cosponsors: Representatives Adams, R., Antonio, Baker

**Speaker Batchelder Representatives Buchy, Budish, Derickson, Dovilla,
Foley, Grossman, Huffman, McClain, Murray, Roegner, Sprague, Stautberg,
Stebelton, Wachtmann**

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A B I L L

To amend sections 124.36, 2903.13, 2921.02, 3302.03, 1
3302.04, 3302.061, 3307.01, 3311.71, 3311.72, 2
3311.74, 3311.76, 3313.41, 3313.411, 3313.975, 3
3314.012, 3314.016, 3314.10, 3314.35, 3314.36, 4
3316.07, 3318.08, 3319.02, 3319.071, 3319.10, 5
3319.112, 3319.12, 3319.13, 3319.14, 3319.141, 6
3319.143, 3319.151, 3319.18, 3319.283, 4141.29, 7
5705.192, 5705.21, 5705.212, 5705.215, 5705.216, 8
5705.218, 5705.251, 5705.261, and 5748.01 and to 9
enact sections 3311.77 to 3311.86, 3313.412, and 10
3314.351 of the Revised Code to revise the 11
management of municipal school districts and 12
community schools located within municipal school 13
districts; to permit the establishment of a 14
Municipal School District Transformation Alliance; 15
to expand the offense of bribery to cover 16
directors, officers, and employees of the 17
Alliance; and to authorize municipal school 18
districts to levy property taxes the revenue from 19
which may be shared with qualifying community 20

schools.

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

Section 1. That sections 124.36, 2903.13, 2921.02, 3302.03, 22
3302.04, 3302.061, 3307.01, 3311.71, 3311.72, 3311.74, 3311.76, 23
3313.41, 3313.411, 3313.975, 3314.012, 3314.016, 3314.10, 3314.35, 24
3314.36, 3316.07, 3318.08, 3319.02, 3319.071, 3319.10, 3319.112, 25
3319.12, 3319.13, 3319.14, 3319.141, 3319.143, 3319.151, 3319.18, 26
3319.283, 4141.29, 5705.192, 5705.21, 5705.212, 5705.215, 27
5705.216, 5705.218, 5705.251, 5705.261, and 5748.01 be amended and 28
sections 3311.77, 3311.78, 3311.79, 3311.80, 3311.81, 3311.82, 29
3311.83, 3311.84, 3311.85, 3311.86, 3313.412, and 3314.351 of the 30
Revised Code be enacted to read as follows: 31

Sec. 124.36. It shall be sufficient cause for the removal of 32
any public employees including teachers in the public schools or 33
any state supported educational institution when such public 34
employee or teacher advocates or willfully retains membership in 35
an organization which advocates overthrow of the government of the 36
United States or of the state, by force, violence or other 37
unlawful means. 38

The procedure for the termination of a contract of a teacher 39
under the provisions of this section shall be in the manner set 40
forth in section 3311.82 or 3319.16 of the Revised Code. The 41
procedure for the removal of all other public employees under the 42
provisions of this section shall be the same as is provided in 43
section 124.34 of the Revised Code, except that the decision of 44
the state personnel board of review or the municipal civil service 45
commission shall be subject to appeal to the court of common pleas 46
of the county in which such public employees are employed to 47
determine the sufficiency of the cause of removal. Such appeal 48
shall be taken within ten days from the finding of the board or 49

commission. 50

Sec. 2903.13. (A) No person shall knowingly cause or attempt 51
to cause physical harm to another or to another's unborn. 52

(B) No person shall recklessly cause serious physical harm to 53
another or to another's unborn. 54

(C) Whoever violates this section is guilty of assault, and 55
the court shall sentence the offender as provided in this division 56
and divisions (C)(1), (2), (3), (4), (5), and (6) of this section. 57
Except as otherwise provided in division (C)(1), (2), (3), (4), or 58
(5) of this section, assault is a misdemeanor of the first degree. 59

(1) Except as otherwise provided in this division, if the 60
offense is committed by a caretaker against a functionally 61
impaired person under the caretaker's care, assault is a felony of 62
the fourth degree. If the offense is committed by a caretaker 63
against a functionally impaired person under the caretaker's care, 64
if the offender previously has been convicted of or pleaded guilty 65
to a violation of this section or section 2903.11 or 2903.16 of 66
the Revised Code, and if in relation to the previous conviction 67
the offender was a caretaker and the victim was a functionally 68
impaired person under the offender's care, assault is a felony of 69
the third degree. 70

(2) If the offense is committed in any of the following 71
circumstances, assault is a felony of the fifth degree: 72

(a) The offense occurs in or on the grounds of a state 73
correctional institution or an institution of the department of 74
youth services, the victim of the offense is an employee of the 75
department of rehabilitation and correction, the department of 76
youth services, or a probation department or is on the premises of 77
the particular institution for business purposes or as a visitor, 78
and the offense is committed by a person incarcerated in the state 79

correctional institution, by a person institutionalized in the 80
department of youth services institution pursuant to a commitment 81
to the department of youth services, by a parolee, by an offender 82
under transitional control, under a community control sanction, or 83
on an escorted visit, by a person under post-release control, or 84
by an offender under any other type of supervision by a government 85
agency. 86

(b) The offense occurs in or on the grounds of a local 87
correctional facility, the victim of the offense is an employee of 88
the local correctional facility or a probation department or is on 89
the premises of the facility for business purposes or as a 90
visitor, and the offense is committed by a person who is under 91
custody in the facility subsequent to the person's arrest for any 92
crime or delinquent act, subsequent to the person's being charged 93
with or convicted of any crime, or subsequent to the person's 94
being alleged to be or adjudicated a delinquent child. 95

(c) The offense occurs off the grounds of a state 96
correctional institution and off the grounds of an institution of 97
the department of youth services, the victim of the offense is an 98
employee of the department of rehabilitation and correction, the 99
department of youth services, or a probation department, the 100
offense occurs during the employee's official work hours and while 101
the employee is engaged in official work responsibilities, and the 102
offense is committed by a person incarcerated in a state 103
correctional institution or institutionalized in the department of 104
youth services who temporarily is outside of the institution for 105
any purpose, by a parolee, by an offender under transitional 106
control, under a community control sanction, or on an escorted 107
visit, by a person under post-release control, or by an offender 108
under any other type of supervision by a government agency. 109

(d) The offense occurs off the grounds of a local 110
correctional facility, the victim of the offense is an employee of 111

the local correctional facility or a probation department, the 112
offense occurs during the employee's official work hours and while 113
the employee is engaged in official work responsibilities, and the 114
offense is committed by a person who is under custody in the 115
facility subsequent to the person's arrest for any crime or 116
delinquent act, subsequent to the person being charged with or 117
convicted of any crime, or subsequent to the person being alleged 118
to be or adjudicated a delinquent child and who temporarily is 119
outside of the facility for any purpose or by a parolee, by an 120
offender under transitional control, under a community control 121
sanction, or on an escorted visit, by a person under post-release 122
control, or by an offender under any other type of supervision by 123
a government agency. 124

(e) The victim of the offense is a school teacher or 125
administrator or a school bus operator, and the offense occurs in 126
a school, on school premises, in a school building, on a school 127
bus, or while the victim is outside of school premises or a school 128
bus and is engaged in duties or official responsibilities 129
associated with the victim's employment or position as a school 130
teacher or administrator or a school bus operator, including, but 131
not limited to, driving, accompanying, or chaperoning students at 132
or on class or field trips, athletic events, or other school 133
extracurricular activities or functions outside of school 134
premises. 135

(3) If the victim of the offense is a peace officer or an 136
investigator of the bureau of criminal identification and 137
investigation, a firefighter, or a person performing emergency 138
medical service, while in the performance of their official 139
duties, assault is a felony of the fourth degree. 140

(4) If the victim of the offense is a peace officer or an 141
investigator of the bureau of criminal identification and 142
investigation and if the victim suffered serious physical harm as 143

a result of the commission of the offense, assault is a felony of 144
the fourth degree, and the court, pursuant to division (F) of 145
section 2929.13 of the Revised Code, shall impose as a mandatory 146
prison term one of the prison terms prescribed for a felony of the 147
fourth degree that is at least twelve months in duration. 148

(5) If the victim of the offense is an officer or employee of 149
a public children services agency or a private child placing 150
agency and the offense relates to the officer's or employee's 151
performance or anticipated performance of official 152
responsibilities or duties, assault is either a felony of the 153
fifth degree or, if the offender previously has been convicted of 154
or pleaded guilty to an offense of violence, the victim of that 155
prior offense was an officer or employee of a public children 156
services agency or private child placing agency, and that prior 157
offense related to the officer's or employee's performance or 158
anticipated performance of official responsibilities or duties, a 159
felony of the fourth degree. 160

(6) If an offender who is convicted of or pleads guilty to 161
assault when it is a misdemeanor also is convicted of or pleads 162
guilty to a specification as described in section 2941.1423 of the 163
Revised Code that was included in the indictment, count in the 164
indictment, or information charging the offense, the court shall 165
sentence the offender to a mandatory jail term as provided in 166
division (G) of section 2929.24 of the Revised Code. 167

If an offender who is convicted of or pleads guilty to 168
assault when it is a felony also is convicted of or pleads guilty 169
to a specification as described in section 2941.1423 of the 170
Revised Code that was included in the indictment, count in the 171
indictment, or information charging the offense, except as 172
otherwise provided in division (C)(4) of this section, the court 173
shall sentence the offender to a mandatory prison term as provided 174
in division (B)(8) of section 2929.14 of the Revised Code. 175

(D) As used in this section:	176
(1) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	177 178
(2) "Firefighter" has the same meaning as in section 3937.41 of the Revised Code.	179 180
(3) "Emergency medical service" has the same meaning as in section 4765.01 of the Revised Code.	181 182
(4) "Local correctional facility" means a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, a minimum security jail established under section 341.23 or 753.21 of the Revised Code, or another county, multicounty, municipal, municipal-county, or multicounty-municipal facility used for the custody of persons arrested for any crime or delinquent act, persons charged with or convicted of any crime, or persons alleged to be or adjudicated a delinquent child.	183 184 185 186 187 188 189 190
(5) "Employee of a local correctional facility" means a person who is an employee of the political subdivision or of one or more of the affiliated political subdivisions that operates the local correctional facility and who operates or assists in the operation of the facility.	191 192 193 194 195
(6) "School teacher or administrator" means either of the following:	196 197
(a) A person who is employed in the public schools of the state under a contract described in section <u>3311.77</u> or 3319.08 of the Revised Code in a position in which the person is required to have a certificate issued pursuant to sections 3319.22 to 3319.311 of the Revised Code.	198 199 200 201 202
(b) A person who is employed by a nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code and who is certificated in	203 204 205

accordance with section 3301.071 of the Revised Code.	206
(7) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	207 208
(8) "Escorted visit" means an escorted visit granted under section 2967.27 of the Revised Code.	209 210
(9) "Post-release control" and "transitional control" have the same meanings as in section 2967.01 of the Revised Code.	211 212
(10) "Investigator of the bureau of criminal identification and investigation" has the same meaning as in section 2903.11 of the Revised Code.	213 214 215
Sec. 2921.02. (A) No person, with purpose to corrupt a public servant or party official, or improperly to influence him <u>a public servant or party official</u> with respect to the discharge of his <u>the public servant's or party official's</u> duty, whether before or after he <u>the public servant or party official</u> is elected, appointed, qualified, employed, summoned, or sworn, shall promise, offer, or give any valuable thing or valuable benefit.	216 217 218 219 220 221 222
(B) No person, either before or after he <u>the person</u> is elected, appointed, qualified, employed, summoned, or sworn as a public servant or party official, shall knowingly solicit or accept for himself <u>self</u> or another person any valuable thing or valuable benefit to corrupt or improperly influence him <u>the person</u> or another public servant or party official with respect to the discharge of his <u>the person's</u> or the other public servant's or party official's duty.	223 224 225 226 227 228 229 230
(C) No person, with purpose to corrupt a witness or improperly to influence him <u>a witness</u> with respect to his <u>the witness's</u> testimony in an official proceeding, either before or after he <u>the witness</u> is subpoenaed or sworn, shall promise, offer, or give him <u>the witness</u> or another person any valuable thing or	231 232 233 234 235

valuable benefit. 236

(D) No person, either before or after ~~he~~ the person is 237
subpoenaed or sworn as a witness, shall knowingly solicit or 238
accept for ~~himself~~ self or another person any valuable thing or 239
valuable benefit to corrupt or improperly influence ~~him~~ self or 240
another person with respect to ~~his~~ testimony given in an official 241
proceeding. 242

(E) No person, with purpose to corrupt a director, officer, 243
or employee of a municipal school district transformation alliance 244
established under section 3311.86 of the Revised Code, or 245
improperly to influence a director, officer, or employee of a 246
municipal school district transformation alliance with respect to 247
the discharge of the director's, officer's, or employee's duties, 248
whether before or after the director, officer, or employee is 249
appointed or employed, shall promise, offer, or give the director, 250
officer, or employee any valuable thing or valuable benefit. 251

(F) No person, either before or after the person is appointed 252
or employed as a director, officer, or employee of a municipal 253
school district transformation alliance established under section 254
3311.86 of the Revised Code, shall knowingly solicit or accept for 255
self or another person any valuable thing or valuable benefit to 256
corrupt or improperly influence the person or another director, 257
officer, or employee of a municipal school district transformation 258
alliance with respect to the discharge of the person's or other 259
director's, officer's, or employee's duties. 260

(G) Whoever violates this section is guilty of bribery, a 261
felony of the third degree. 262

~~(F)~~(H) A public servant or party official, or director, 263
officer, or employee of a municipal school district transformation 264
alliance established under section 3311.86 of the Revised Code, 265
who is convicted of bribery is forever disqualified from holding 266

any public office, employment, or position of trust in this state. 267

Sec. 3302.03. (A) Annually the department of education shall 268
report for each school district and each school building in a 269
district all of the following: 270

(1) The extent to which the school district or building meets 271
each of the applicable performance indicators created by the state 272
board of education under section 3302.02 of the Revised Code and 273
the number of applicable performance indicators that have been 274
achieved; 275

(2) The performance index score of the school district or 276
building; 277

(3) Whether the school district or building has made adequate 278
yearly progress; 279

(4) Whether the school district or building is excellent, 280
effective, needs continuous improvement, is under an academic 281
watch, or is in a state of academic emergency. 282

(B) Except as otherwise provided in division (B)(6) of this 283
section: 284

(1) A school district or building shall be declared excellent 285
if it meets at least ninety-four per cent of the applicable state 286
performance indicators or has a performance index score 287
established by the department, except that if it does not make 288
adequate yearly progress for two or more of the same subgroups for 289
three or more consecutive years, it shall be declared effective. 290

(2) A school district or building shall be declared effective 291
if it meets at least seventy-five per cent but less than 292
ninety-four per cent of the applicable state performance 293
indicators or has a performance index score established by the 294
department, except that if it does not make adequate yearly 295
progress for two or more of the same subgroups for three or more 296

consecutive years, it shall be declared in need of continuous improvement. 297
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(3) A school district or building shall be declared to be in need of continuous improvement if it fulfills one of the following requirements: 299
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(a) It makes adequate yearly progress, meets less than seventy-five per cent of the applicable state performance indicators, and has a performance index score established by the department. 302
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(b) It does not make adequate yearly progress and either meets at least fifty per cent but less than seventy-five per cent of the applicable state performance indicators or has a performance index score established by the department. 306
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(4) A school district or building shall be declared to be under an academic watch if it does not make adequate yearly progress and either meets at least thirty-one per cent but less than fifty per cent of the applicable state performance indicators or has a performance index score established by the department. 310
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(5) A school district or building shall be declared to be in a state of academic emergency if it does not make adequate yearly progress, does not meet at least thirty-one per cent of the applicable state performance indicators, and has a performance index score established by the department. 315
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(6) Division (B)(6) of this section does not apply to any community school established under Chapter 3314. of the Revised Code in which a majority of the students are enrolled in a dropout prevention and recovery program. 320
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A school district or building shall not be assigned a higher performance rating than in need of continuous improvement if at least ten per cent but not more than fifteen per cent of the enrolled students do not take all achievement assessments 324
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prescribed for their grade level under division (A)(1) or (B)(1) 328
of section 3301.0710 of the Revised Code from which they are not 329
excused pursuant to division (C)(1) or (3) of section 3301.0711 of 330
the Revised Code. A school district or building shall not be 331
assigned a higher performance rating than under an academic watch 332
if more than fifteen per cent but not more than twenty per cent of 333
the enrolled students do not take all achievement assessments 334
prescribed for their grade level under division (A)(1) or (B)(1) 335
of section 3301.0710 of the Revised Code from which they are not 336
excused pursuant to division (C)(1) or (3) of section 3301.0711 of 337
the Revised Code. A school district or building shall not be 338
assigned a higher performance rating than in a state of academic 339
emergency if more than twenty per cent of the enrolled students do 340
not take all achievement assessments prescribed for their grade 341
level under division (A)(1) or (B)(1) of section 3301.0710 of the 342
Revised Code from which they are not excused pursuant to division 343
(C)(1) or (3) of section 3301.0711 of the Revised Code. 344

(C)(1) The department shall issue annual report cards for 345
each school district, each building within each district, and for 346
the state as a whole reflecting performance on the indicators 347
created by the state board under section 3302.02 of the Revised 348
Code, the performance index score, and adequate yearly progress. 349

(2) The department shall include on the report card for each 350
district information pertaining to any change from the previous 351
year made by the school district or school buildings within the 352
district on any performance indicator. 353

(3) When reporting data on student performance, the 354
department shall disaggregate that data according to the following 355
categories: 356

(a) Performance of students by age group; 357

(b) Performance of students by race and ethnic group; 358

(c) Performance of students by gender;	359
(d) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	360 361
(e) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	362 363 364
(f) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	365 366
(g) Performance of students grouped by those who are economically disadvantaged;	367 368
(h) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	369 370 371
(i) Performance of students grouped by those who are classified as limited English proficient;	372 373
(j) Performance of students grouped by those who have disabilities;	374 375
(k) Performance of students grouped by those who are classified as migrants;	376 377
(l) Performance of students grouped by those who are identified as gifted pursuant to Chapter 3324. of the Revised Code.	378 379 380
The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the department shall disaggregate data on student performance according to any combinations of two or more of the categories listed in divisions (C)(3)(a) to (l) of this section that it deems relevant.	381 382 383 384 385 386
In reporting data pursuant to division (C)(3) of this section, the department shall not include in the report cards any	387 388

data statistical in nature that is statistically unreliable or 389
that could result in the identification of individual students. 390
For this purpose, the department shall not report student 391
performance data for any group identified in division (C)(3) of 392
this section that contains less than ten students. 393

(4) The department may include with the report cards any 394
additional education and fiscal performance data it deems 395
valuable. 396

(5) The department shall include on each report card a list 397
of additional information collected by the department that is 398
available regarding the district or building for which the report 399
card is issued. When available, such additional information shall 400
include student mobility data disaggregated by race and 401
socioeconomic status, college enrollment data, and the reports 402
prepared under section 3302.031 of the Revised Code. 403

The department shall maintain a site on the world wide web. 404
The report card shall include the address of the site and shall 405
specify that such additional information is available to the 406
public at that site. The department shall also provide a copy of 407
each item on the list to the superintendent of each school 408
district. The district superintendent shall provide a copy of any 409
item on the list to anyone who requests it. 410

~~(6)(a) This division~~ Division (C)(6) of this section does not 411
apply to conversion community schools that primarily enroll 412
students between sixteen and twenty-two years of age who dropped 413
out of high school or are at risk of dropping out of high school 414
due to poor attendance, disciplinary problems, or suspensions. 415

(a) For any district that sponsors a conversion community 416
school under Chapter 3314. of the Revised Code, the department 417
shall combine data regarding the academic performance of students 418
enrolled in the community school with comparable data from the 419

schools of the district for the purpose of calculating the 420
performance of the district as a whole on the report card issued 421
for the district. 422

(b) Any district that leases a building to a community school 423
located in the district or that enters into an agreement with a 424
community school located in the district whereby the district and 425
the school endorse each other's programs may elect to have data 426
regarding the academic performance of students enrolled in the 427
community school combined with comparable data from the schools of 428
the district for the purpose of calculating the performance of the 429
district as a whole on the district report card. Any district that 430
so elects shall annually file a copy of the lease or agreement 431
with the department. 432

(c) Any municipal school district, as defined in section 433
3311.71 of the Revised Code, that sponsors, provides services to, 434
or leases a building to a start-up or conversion community school 435
located within the district's territory, or that enters into an 436
agreement with a community school located within the district's 437
territory whereby the district and the community school endorse 438
each other's programs, may elect (i) to have data regarding the 439
academic performance of students enrolled in the community school 440
combined with comparable data from the schools of the district for 441
the purpose of calculating the performance of the district as a 442
whole on the district's report card and (ii) to have the students 443
attending the community school included in the district's average 444
daily student enrollment as reported in the district's report 445
card. Any district that so elects shall annually file with the 446
department a copy of the lease or agreement and other 447
documentation indicating eligibility for that election, as 448
required by the department. 449

(7) The department shall include on each report card the 450
percentage of teachers in the district or building who are highly 451

qualified, as defined by the "No Child Left Behind Act of 2001," 452
and a comparison of that percentage with the percentages of such 453
teachers in similar districts and buildings. 454

(8) The department shall include on the report card the 455
number of lead teachers employed by each district and each 456
building once the data is available from the education management 457
information system established under section 3301.0714 of the 458
Revised Code. 459

(D)(1) In calculating English language arts, mathematics, 460
social studies, or science assessment passage rates used to 461
determine school district or building performance under this 462
section, the department shall include all students taking an 463
assessment with accommodation or to whom an alternate assessment 464
is administered pursuant to division (C)(1) or (3) of section 465
3301.0711 of the Revised Code. 466

(2) In calculating performance index scores, rates of 467
achievement on the performance indicators established by the state 468
board under section 3302.02 of the Revised Code, and adequate 469
yearly progress for school districts and buildings under this 470
section, the department shall do all of the following: 471

(a) Include for each district or building only those students 472
who are included in the ADM certified for the first full school 473
week of October and are continuously enrolled in the district or 474
building through the time of the spring administration of any 475
assessment prescribed by division (A)(1) or (B)(1) of section 476
3301.0710 of the Revised Code that is administered to the 477
student's grade level; 478

(b) Include cumulative totals from both the fall and spring 479
administrations of the third grade English language arts 480
achievement assessment; 481

(c) Except as required by the "No Child Left Behind Act of 482

2001" for the calculation of adequate yearly progress, exclude for 483
each district or building any limited English proficient student 484
who has been enrolled in United States schools for less than one 485
full school year. 486

Sec. 3302.04. (A) The department of education shall establish 487
a system of intensive, ongoing support for the improvement of 488
school districts and school buildings. In accordance with the 489
model of differentiated accountability described in section 490
3302.041 of the Revised Code, the system shall give priority to 491
districts and buildings that have been declared to be under an 492
academic watch or in a state of academic emergency under section 493
3302.03 of the Revised Code and shall include services provided to 494
districts and buildings through regional service providers, such 495
as educational service centers. 496

(B) This division does not apply to any school district after 497
June 30, 2008. 498

When a school district has been notified by the department 499
pursuant to division (A) of section 3302.03 of the Revised Code 500
that the district or a building within the district has failed to 501
make adequate yearly progress for two consecutive school years, 502
the district shall develop a three-year continuous improvement 503
plan for the district or building containing each of the 504
following: 505

(1) An analysis of the reasons for the failure of the 506
district or building to meet any of the applicable performance 507
indicators established under section 3302.02 of the Revised Code 508
that it did not meet and an analysis of the reasons for its 509
failure to make adequate yearly progress; 510

(2) Specific strategies that the district or building will 511
use to address the problems in academic achievement identified in 512
division (B)(1) of this section; 513

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

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

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

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

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

(C) When a school district or building has been notified by the department pursuant to division (A) of section 3302.03 of the Revised Code that the district or building is under an academic watch or in a state of academic emergency, the district or building shall be subject to any rules establishing intervention in academic watch or emergency school districts or buildings.

(D)(1) Within one hundred twenty days after any school district or building is declared to be in a state of academic emergency under section 3302.03 of the Revised Code, the department may initiate a site evaluation of the building or school district.

(2) Division (D)(2) of this section does not apply to any school district after June 30, 2008.

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

(3) Site evaluations conducted under divisions (D)(1) and (2) of this section shall include, but not be limited to, the following:

(a) Determining whether teachers are assigned to subject areas for which they are licensed or certified;

(b) Determining pupil-teacher ratios;

(c) Examination of compliance with minimum instruction time requirements for each school day and for each school year;

(d) Determining whether materials and equipment necessary to implement the curriculum approved by the school district board are available;

(e) Examination of whether the teacher and principal evaluation systems comply with sections 3311.80, 3311.84, 3319.02, and 3319.111 of the Revised Code;

(f) Examination of the adequacy of efforts to improve the

cultural competency, as defined pursuant to section 3319.61 of the Revised Code, of teachers and other educators.

(E) This division applies only to school districts that operate a school building that fails to make adequate yearly progress for two or more consecutive school years. It does not apply to any such district after June 30, 2008, except as provided in division (D)(2) of section 3313.97 of the Revised Code.

(1) For any school building that fails to make adequate yearly progress for two consecutive school years, the district shall do all of the following:

(a) Provide written notification of the academic issues that resulted in the building's failure to make adequate yearly progress to the parent or guardian of each student enrolled in the building. The notification shall also describe the actions being taken by the district or building to improve the academic performance of the building and any progress achieved toward that goal in the immediately preceding school year.

(b) If the building receives funds under Title 1, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, from the district, in accordance with section 3313.97 of the Revised Code, offer all students enrolled in the building the opportunity to enroll in an alternative building within the district that is not in school improvement status as defined by the "No Child Left Behind Act of 2001." Notwithstanding Chapter 3327. of the Revised Code, the district shall spend an amount equal to twenty per cent of the funds it receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide transportation for students who enroll in alternative buildings under this division, unless the district can satisfy all demand for transportation with a lesser amount. If an amount equal to twenty per cent of the funds the district receives under Title I, Part A of the

"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 607
to 6339, is insufficient to satisfy all demand for transportation, 608
the district shall grant priority over all other students to the 609
lowest achieving students among the subgroup described in division 610
(B)(3) of section 3302.01 of the Revised Code in providing 611
transportation. Any district that does not receive funds under 612
Title I, Part A of the "Elementary and Secondary Education Act of 613
1965," 20 U.S.C. 6311 to 6339, shall not be required to provide 614
transportation to any student who enrolls in an alternative 615
building under this division. 616

(2) For any school building that fails to make adequate 617
yearly progress for three consecutive school years, the district 618
shall do both of the following: 619

(a) If the building receives funds under Title 1, Part A of 620
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 621
6311 to 6339, from the district, in accordance with section 622
3313.97 of the Revised Code, provide all students enrolled in the 623
building the opportunity to enroll in an alternative building 624
within the district that is not in school improvement status as 625
defined by the "No Child Left Behind Act of 2001." Notwithstanding 626
Chapter 3327. of the Revised Code, the district shall provide 627
transportation for students who enroll in alternative buildings 628
under this division to the extent required under division (E)(2) 629
of this section. 630

(b) If the building receives funds under Title 1, Part A of 631
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 632
6311 to 6339, from the district, offer supplemental educational 633
services to students who are enrolled in the building and who are 634
in the subgroup described in division (B)(3) of section 3302.01 of 635
the Revised Code. 636

The district shall spend a combined total of an amount equal 637
to twenty per cent of the funds it receives under Title I, Part A 638

of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 639
6311 to 6339, to provide transportation for students who enroll in 640
alternative buildings under division (E)(1)(b) or (E)(2)(a) of 641
this section and to pay the costs of the supplemental educational 642
services provided to students under division (E)(2)(b) of this 643
section, unless the district can satisfy all demand for 644
transportation and pay the costs of supplemental educational 645
services for those students who request them with a lesser amount. 646
In allocating funds between the requirements of divisions 647
(E)(1)(b) and (E)(2)(a) and (b) of this section, the district 648
shall spend at least an amount equal to five per cent of the funds 649
it receives under Title I, Part A of the "Elementary and Secondary 650
Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide 651
transportation for students who enroll in alternative buildings 652
under division (E)(1)(b) or (E)(2)(a) of this section, unless the 653
district can satisfy all demand for transportation with a lesser 654
amount, and at least an amount equal to five per cent of the funds 655
it receives under Title I, Part A of the "Elementary and Secondary 656
Education Act of 1965," 20 U.S.C. 6311 to 6339, to pay the costs 657
of the supplemental educational services provided to students 658
under division (E)(2)(b) of this section, unless the district can 659
pay the costs of such services for all students requesting them 660
with a lesser amount. If an amount equal to twenty per cent of the 661
funds the district receives under Title I, Part A of the 662
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 663
to 6339, is insufficient to satisfy all demand for transportation 664
under divisions (E)(1)(b) and (E)(2)(a) of this section and to pay 665
the costs of all of the supplemental educational services provided 666
to students under division (E)(2)(b) of this section, the district 667
shall grant priority over all other students in providing 668
transportation and in paying the costs of supplemental educational 669
services to the lowest achieving students among the subgroup 670
described in division (B)(3) of section 3302.01 of the Revised 671

Code. 672

Any district that does not receive funds under Title I, Part 673
A of the "Elementary and Secondary Education Act of 1965," 20 674
U.S.C. 6311 to 6339, shall not be required to provide 675
transportation to any student who enrolls in an alternative 676
building under division (E)(2)(a) of this section or to pay the 677
costs of supplemental educational services provided to any student 678
under division (E)(2)(b) of this section. 679

No student who enrolls in an alternative building under 680
division (E)(2)(a) of this section shall be eligible for 681
supplemental educational services under division (E)(2)(b) of this 682
section. 683

(3) For any school building that fails to make adequate 684
yearly progress for four consecutive school years, the district 685
shall continue to comply with division (E)(2) of this section and 686
shall implement at least one of the following options with respect 687
to the building: 688

(a) Institute a new curriculum that is consistent with the 689
statewide academic standards adopted pursuant to division (A) of 690
section 3301.079 of the Revised Code; 691

(b) Decrease the degree of authority the building has to 692
manage its internal operations; 693

(c) Appoint an outside expert to make recommendations for 694
improving the academic performance of the building. The district 695
may request the department to establish a state intervention team 696
for this purpose pursuant to division (G) of this section. 697

(d) Extend the length of the school day or year; 698

(e) Replace the building principal or other key personnel; 699

(f) Reorganize the administrative structure of the building. 700

(4) For any school building that fails to make adequate 701

yearly progress for five consecutive school years, the district 702
shall continue to comply with division (E)(2) of this section and 703
shall develop a plan during the next succeeding school year to 704
improve the academic performance of the building, which shall 705
include at least one of the following options: 706

(a) Reopen the school as a community school under Chapter 707
3314. of the Revised Code; 708

(b) Replace personnel; 709

(c) Contract with a nonprofit or for-profit entity to operate 710
the building; 711

(d) Turn operation of the building over to the department; 712

(e) Other significant restructuring of the building's 713
governance. 714

(5) For any school building that fails to make adequate 715
yearly progress for six consecutive school years, the district 716
shall continue to comply with division (E)(2) of this section and 717
shall implement the plan developed pursuant to division (E)(4) of 718
this section. 719

(6) A district shall continue to comply with division 720
(E)(1)(b) or (E)(2) of this section, whichever was most recently 721
applicable, with respect to any building formerly subject to one 722
of those divisions until the building makes adequate yearly 723
progress for two consecutive school years. 724

(F) This division applies only to school districts that have 725
been identified for improvement by the department pursuant to the 726
"No Child Left Behind Act of 2001." It does not apply to any such 727
district after June 30, 2008. 728

(1) If a school district has been identified for improvement 729
for one school year, the district shall provide a written 730
description of the continuous improvement plan developed by the 731

district pursuant to division (B) of this section to the parent or guardian of each student enrolled in the district. If the district does not have a continuous improvement plan, the district shall develop such a plan in accordance with division (B) of this section and provide a written description of the plan to the parent or guardian of each student enrolled in the district.

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

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

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

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

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

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

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

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

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

to monitor implementation of the corrective action taken under 762
division (F)(3) of this section with respect to the district. 763

(5) If a school district has been identified for improvement 764
for five consecutive school years, the department shall take at 765
least one of the corrective actions identified in division (F)(3) 766
of this section with respect to the district, provided that the 767
corrective action the department takes is different from the 768
corrective action previously taken under division (F)(3) of this 769
section with respect to the district. 770

(G) The department may establish a state intervention team to 771
evaluate all aspects of a school district or building, including 772
management, curriculum, instructional methods, resource 773
allocation, and scheduling. Any such intervention team shall be 774
appointed by the department and shall include teachers and 775
administrators recognized as outstanding in their fields. The 776
intervention team shall make recommendations regarding methods for 777
improving the performance of the district or building. 778

The department shall not approve a district's request for an 779
intervention team under division (E)(3) of this section if the 780
department cannot adequately fund the work of the team, unless the 781
district agrees to pay for the expenses of the team. 782

(H) The department shall conduct individual audits of a 783
sampling of community schools established under Chapter 3314. of 784
the Revised Code to determine compliance with this section. 785

(I) The state board shall adopt rules for implementing this 786
section. 787

Sec. 3302.061. (A) A school district board of education shall 788
review each application received under section 3302.06 of the 789
Revised Code and, within sixty days after receipt of the 790
application, shall approve or disapprove the application. In 791

reviewing applications, the board shall give preference to	792
applications that propose innovations in one or more of the	793
following areas:	794
(1) Curriculum;	795
(2) Student assessments, other than the assessments	796
prescribed by sections 3301.0710 and 3301.0712 of the Revised	797
Code;	798
(3) Class scheduling;	799
(4) Accountability measures, including innovations that	800
expand the number and variety of measures used in order to collect	801
more complete data about student academic performance. For this	802
purpose, schools may consider use of measures such as	803
end-of-course examinations, portfolios of student work, nationally	804
or internationally normed assessments, the percentage of students	805
enrolling in post-secondary education, or the percentage of	806
students simultaneously obtaining a high school diploma and an	807
associate's degree or certification to work in an industry or	808
career field.	809
(5) Provision of student services, including services for	810
students who are disabled, identified as gifted under Chapter	811
3324. of the Revised Code, limited English proficient, at risk of	812
academic failure or dropping out, or at risk of suspension or	813
expulsion;	814
(6) Provision of health, counseling, or other social services	815
to students;	816
(7) Preparation of students for transition to higher	817
education or the workforce;	818
(8) Teacher recruitment, employment, and evaluation;	819
(9) Compensation for school personnel;	820

(10) Professional development;	821
(11) School governance and the roles and responsibilities of principals;	822 823
(12) Use of financial or other resources.	824
(B)(1) If the board approves an application seeking designation as an innovation school, it shall so designate the school that submitted the application. If the board approves an application seeking designation as an innovation school zone, it shall so designate the participating schools that submitted the application.	825 826 827 828 829 830
(2) If the board disapproves an application, it shall provide a written explanation of the basis for its decision to the school or schools that submitted the application. The school or schools may reapply for designation as an innovation school or innovation school zone at any time.	831 832 833 834 835
(C) The board may approve an application that allows an innovation school or a school participating in an innovation school zone to determine the compensation of board employees working in the school, but the total compensation for all such employees shall not exceed the financial resources allocated to the school by the board. The school shall not be required to comply with the salary schedule adopted by the board under section <u>3311.78</u> , <u>3317.14</u> , or <u>3317.141</u> of the Revised Code. The board may approve an application that allows an innovation school or a school participating in an innovation school zone to remove board employees from the school, but no employee shall be terminated except as provided in section <u>3311.82</u> , <u>3319.081</u> , or <u>3319.16</u> of the Revised Code.	836 837 838 839 840 841 842 843 844 845 846 847 848
(D) The board may do either of the following at any time:	849
(1) Designate a school as an innovation school by creating an innovation plan for that school and offering the school an	850 851

opportunity to participate in the plan's creation; 852

(2) Designate as an innovation school zone two or more 853
schools that share common interests based on factors such as 854
geographical proximity or similar educational programs or that 855
serve the same classes of students as they advance to higher grade 856
levels, by creating an innovation plan for those schools and 857
offering the schools an opportunity to participate in the plan's 858
creation. 859

Sec. 3307.01. As used in this chapter: 860

(A) "Employer" means the board of education, school district, 861
governing authority of any community school established under 862
Chapter 3314. of the Revised Code, a science, technology, 863
engineering, and mathematics school established under Chapter 864
3326. of the Revised Code, college, university, institution, or 865
other agency within the state by which a teacher is employed and 866
paid. 867

(B) "Teacher" means all of the following: 868

(1) Any person paid from public funds and employed in the 869
public schools of the state under any type of contract described 870
in section 3311.77 or 3319.08 of the Revised Code in a position 871
for which the person is required to have a license issued pursuant 872
to sections 3319.22 to 3319.31 of the Revised Code; 873

(2) Any person employed as a teacher by a community school or 874
a science, technology, engineering, and mathematics school 875
pursuant to Chapter 3314. or 3326. of the Revised Code; 876

(3) Any person having a license issued pursuant to sections 877
3319.22 to 3319.31 of the Revised Code and employed in a public 878
school in this state in an educational position, as determined by 879
the state board of education, under programs provided for by 880
federal acts or regulations and financed in whole or in part from 881

federal funds, but for which no licensure requirements for the 882
position can be made under the provisions of such federal acts or 883
regulations; 884

(4) Any other teacher or faculty member employed in any 885
school, college, university, institution, or other agency wholly 886
controlled and managed, and supported in whole or in part, by the 887
state or any political subdivision thereof, including Central 888
state university, Cleveland state university, and the university 889
of Toledo; 890

(5) The educational employees of the department of education, 891
as determined by the state superintendent of public instruction. 892

In all cases of doubt, the state teachers retirement board 893
shall determine whether any person is a teacher, and its decision 894
shall be final. 895

"Teacher" does not include any eligible employee of a public 896
institution of higher education, as defined in section 3305.01 of 897
the Revised Code, who elects to participate in an alternative 898
retirement plan established under Chapter 3305. of the Revised 899
Code. 900

(C) "Member" means any person included in the membership of 901
the state teachers retirement system, which shall consist of all 902
teachers and contributors as defined in divisions (B) and (D) of 903
this section and all disability benefit recipients, as defined in 904
section 3307.50 of the Revised Code. However, for purposes of this 905
chapter, the following persons shall not be considered members: 906

(1) A student, intern, or resident who is not a member while 907
employed part-time by a school, college, or university at which 908
the student, intern, or resident is regularly attending classes; 909

(2) A person denied membership pursuant to section 3307.24 of 910
the Revised Code; 911

(3) An other system retirant, as defined in section 3307.35	912
of the Revised Code, or a superannuate;	913
(4) An individual employed in a program established pursuant	914
to the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29	915
U.S.C.A. 1501.	916
(D) "Contributor" means any person who has an account in the	917
teachers' savings fund or defined contribution fund.	918
(E) "Beneficiary" means any person eligible to receive, or in	919
receipt of, a retirement allowance or other benefit provided by	920
this chapter.	921
(F) "Year" means the year beginning the first day of July and	922
ending with the thirtieth day of June next following, except that	923
for the purpose of determining final average salary under the plan	924
described in sections 3307.50 to 3307.79 of the Revised Code,	925
"year" may mean the contract year.	926
(G) "Local district pension system" means any school teachers	927
pension fund created in any school district of the state in	928
accordance with the laws of the state prior to September 1, 1920.	929
(H) "Employer contribution" means the amount paid by an	930
employer, as determined by the employer rate, including the normal	931
and deficiency rates, contributions, and funds wherever used in	932
this chapter.	933
(I) "Five years of service credit" means employment covered	934
under this chapter and employment covered under a former	935
retirement plan operated, recognized, or endorsed by a college,	936
institute, university, or political subdivision of this state	937
prior to coverage under this chapter.	938
(J) "Actuary" means the actuarial consultant to the state	939
teachers retirement board, who shall be either of the following:	940
(1) A member of the American academy of actuaries;	941

(2) A firm, partnership, or corporation of which at least one person is a member of the American academy of actuaries. 942
943

(K) "Fiduciary" means a person who does any of the following: 944

(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; 945
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(2) Renders investment advice for a fee, direct or indirect, with respect to money or property of the system; 948
949

(3) Has any discretionary authority or responsibility in the administration of the system. 950
951

(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. 952
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(2) Compensation does not include any of the following: 962

(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; 963
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(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; 967
968
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(c) Payments made for vacation pay covering concurrent periods for which other salary, compensation, or benefits under 970
971

this chapter are paid;	972
(d) Amounts paid by the employer to provide life insurance,	973
sickness, accident, endowment, health, medical, hospital, dental,	974
or surgical coverage, or other insurance for the teacher or the	975
teacher's family, or amounts paid by the employer to the teacher	976
in lieu of providing the insurance;	977
(e) Incidental benefits, including lodging, food, laundry,	978
parking, or services furnished by the employer, use of the	979
employer's property or equipment, and reimbursement for	980
job-related expenses authorized by the employer, including moving	981
and travel expenses and expenses related to professional	982
development;	983
(f) Payments made by the employer in exchange for a member's	984
waiver of a right to receive any payment, amount, or benefit	985
described in division (L)(2) of this section;	986
(g) Payments by the employer for services not actually	987
rendered;	988
(h) Any amount paid by the employer as a retroactive increase	989
in salary, wages, or other earnings, unless the increase is one of	990
the following:	991
(i) A retroactive increase paid to a member employed by a	992
school district board of education in a position that requires a	993
license designated for teaching and not designated for being an	994
administrator issued under section 3319.22 of the Revised Code	995
that is paid in accordance with uniform criteria applicable to all	996
members employed by the board in positions requiring the licenses;	997
(ii) A retroactive increase paid to a member employed by a	998
school district board of education in a position that requires a	999
license designated for being an administrator issued under section	1000
3319.22 of the Revised Code that is paid in accordance with	1001
uniform criteria applicable to all members employed by the board	1002

in positions requiring the licenses; 1003

(iii) A retroactive increase paid to a member employed by a 1004
school district board of education as a superintendent that is 1005
also paid as described in division (L)(2)(h)(i) of this section; 1006

(iv) A retroactive increase paid to a member employed by an 1007
employer other than a school district board of education in 1008
accordance with uniform criteria applicable to all members 1009
employed by the employer. 1010

(i) Payments made to or on behalf of a teacher that are in 1011
excess of the annual compensation that may be taken into account 1012
by the retirement system under division (a)(17) of section 401 of 1013
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1014
401(a)(17), as amended. For a teacher who first establishes 1015
membership before July 1, 1996, the annual compensation that may 1016
be taken into account by the retirement system shall be determined 1017
under division (d)(3) of section 13212 of the "Omnibus Budget 1018
Reconciliation Act of 1993," Pub. L. No. 103-66, 107 Stat. 472. 1019

(j) Payments made under division (B), (C), or (E) of section 1020
5923.05 of the Revised Code, Section 4 of Substitute Senate Bill 1021
No. 3 of the 119th general assembly, Section 3 of Amended 1022
Substitute Senate Bill No. 164 of the 124th general assembly, or 1023
Amended Substitute House Bill No. 405 of the 124th general 1024
assembly; 1025

(k) Anything of value received by the teacher that is based 1026
on or attributable to retirement or an agreement to retire. 1027

(3) The retirement board shall determine by rule both of the 1028
following: 1029

(a) Whether particular forms of earnings are included in any 1030
of the categories enumerated in this division; 1031

(b) Whether any form of earnings not enumerated in this 1032

division is to be included in compensation. 1033

Decisions of the board made under this division shall be 1034
final. 1035

(M) "Superannuate" means both of the following: 1036

(1) A former teacher receiving from the system a retirement 1037
allowance under section 3307.58 or 3307.59 of the Revised Code; 1038

(2) A former teacher receiving a benefit from the system 1039
under a plan established under section 3307.81 of the Revised 1040
Code, except that "superannuate" does not include a former teacher 1041
who is receiving a benefit based on disability under a plan 1042
established under section 3307.81 of the Revised Code. 1043

For purposes of sections 3307.35 and 3307.353 of the Revised 1044
Code, "superannuate" also means a former teacher receiving from 1045
the system a combined service retirement benefit paid in 1046
accordance with section 3307.57 of the Revised Code, regardless of 1047
which retirement system is paying the benefit. 1048

Sec. 3311.71. (A) As used in this section and in sections 1049
3311.72 to ~~3311.76~~ 3311.86 of the Revised Code: 1050

(1) "Municipal school district" means a school district that 1051
is or has ever been under a federal court order requiring 1052
supervision and operational, fiscal, and personnel management of 1053
the district by the state superintendent of public instruction. 1054

(2) "Mayor" means the mayor of the municipal corporation 1055
containing the greatest portion of a municipal school district's 1056
territory. 1057

(B) Whenever any municipal school district is released by a 1058
federal court from an order requiring supervision and operational, 1059
fiscal, and personnel management of the district by the state 1060
superintendent, the management and control of that district shall 1061
be assumed, effective immediately, by a new nine-member board of 1062

education. Members of the new board shall be appointed by the 1063
mayor, who shall also designate one member as the chairperson of 1064
the board. In addition to the rights, authority, and duties 1065
conferred upon the chairperson by sections 3311.71 to ~~3311.76~~ 1066
3311.86 of the Revised Code, the chairperson shall have all the 1067
rights, authority, and duties conferred upon the president of a 1068
board of education by the Revised Code that are not inconsistent 1069
with sections 3311.71 to ~~3311.76~~ 3311.86 of the Revised Code. 1070

(C) No school board member shall be appointed by the mayor 1071
pursuant to division (B) of this section until the mayor has 1072
received a slate of at least eighteen candidates nominated by a 1073
municipal school district nominating panel, at least three of whom 1074
reside in the municipal school district but not in the municipal 1075
corporation containing the greatest portion of the district's 1076
territory. The municipal school district nominating panel shall be 1077
initially convened and chaired by the state superintendent of 1078
public instruction, who shall serve as a nonvoting member for the 1079
first two years of the panel's existence, and shall consist of 1080
eleven persons selected as follows: 1081

(1) Three parents or guardians of children attending the 1082
schools of the municipal school district appointed by the district 1083
parent-teacher association, or similar organization selected by 1084
the state superintendent; 1085

(2) Three persons appointed by the mayor; 1086

(3) One person appointed by the president of the legislative 1087
body of the municipal corporation containing the greatest portion 1088
of the municipal school district's territory; 1089

(4) One teacher appointed by the collective bargaining 1090
representative of the school district's teachers; 1091

(5) One principal appointed through a vote of the school 1092
district's principals, which vote shall be conducted by the state 1093

superintendent; 1094

(6) One representative of the business community appointed by 1095
an organized collective business entity selected by the mayor; 1096

(7) One president of a public or private institution of 1097
higher education located within the municipal school district 1098
appointed by the state superintendent of public instruction. 1099

The municipal school district nominating panel shall select 1100
one of its members as its chairperson commencing two years after 1101
the date of the first meeting of the panel, at which time the 1102
state superintendent of public instruction shall no longer convene 1103
or chair the panel. Thereafter, the panel shall meet as necessary 1104
to make nominations at the call of the chairperson. All members of 1105
the panel shall serve at the pleasure of the appointing authority. 1106
Vacancies on the panel shall be filled in the same manner as the 1107
initial appointments. 1108

(D) No individual shall be appointed by the mayor pursuant to 1109
division (B) or (F) of this section unless the individual has been 1110
nominated by the nominating panel, resides in the school district, 1111
and holds no elected public office. At any given time, four of the 1112
nine members appointed by the mayor to serve on the board pursuant 1113
to either division (B) or (F) of this section shall have 1114
displayed, prior to appointment, significant expertise in either 1115
the education field, finance, or business management. At all times 1116
at least one member of the board shall be an individual who 1117
resides in the municipal school district but not in the municipal 1118
corporation containing the greatest portion of the district's 1119
territory. 1120

(E) The terms of office of all members appointed by the mayor 1121
pursuant to division (B) of this section shall expire on the next 1122
thirtieth day of June following the referendum election required 1123
by section 3311.73 of the Revised Code. The mayor may, with the 1124

advice and consent of the nominating panel, remove any member 1125
appointed pursuant to that division or division (F) of this 1126
section for cause. 1127

(F) If the voters of the district approve the continuation of 1128
an appointed board at the referendum election required by section 1129
3311.73 of the Revised Code, the mayor shall appoint the members 1130
of a new board from a slate prepared by the nominating panel in 1131
the same manner as the initial board was appointed pursuant to 1132
divisions (B), (C), and (D) of this section. Five of the members 1133
of the new board shall be appointed to four-year terms and the 1134
other four shall be appointed to two-year terms, each term 1135
beginning on the first day of July. Thereafter, the mayor shall 1136
appoint members to four-year terms in the same manner as described 1137
in divisions (B), (C), and (D) of this section. The minimum number 1138
of individuals who shall be on the slate prepared by the 1139
nominating panel for this purpose shall be at least twice the 1140
number of members to be appointed, including at least two who 1141
reside in the municipal school district but not in the municipal 1142
corporation containing the greatest portion of the district's 1143
territory. 1144

(G) In addition to the nine members appointed by the mayor, 1145
the boards appointed pursuant to divisions (B) and (F) of this 1146
section shall include the following nonvoting ex officio members: 1147

(1) If the main campus of a state university specified in 1148
section 3345.011 of the Revised Code is located within the 1149
municipal school district, the president of the university or the 1150
president's designee; 1151

(2) If any community college has its main branch located 1152
within the district, the president of the community college that 1153
has the largest main branch within the district, or the 1154
president's designee. 1155

Sec. 3311.72. This section does not apply to any principal, 1156
assistant principal, or other administrator who is employed to 1157
perform administrative functions primarily within one school 1158
building. 1159

(A) On the effective date of the assumption of control of a 1160
municipal school district by the new board of education pursuant 1161
to division (B) of section 3311.71 of the Revised Code, the 1162
treasurer, business manager, superintendent, assistant 1163
superintendents, and other administrators of the school district 1164
shall submit their resignations to the board. As used in this 1165
section, "other administrator" has the same meaning as in section 1166
3319.02 of the Revised Code. 1167

(B) Notwithstanding Chapter 3319. of the Revised Code: 1168

(1) Until thirty months after the date of the assumption of 1169
control of a municipal school district by a board pursuant to 1170
division (B) of section 3311.71 of the Revised Code, the mayor 1171
shall appoint the chief executive officer and fill any vacancies 1172
occurring in that position. 1173

(2) After the board appointed pursuant to division (B) of 1174
section 3311.71 of the Revised Code has been in control of a 1175
municipal school district for thirty months, the mayor shall 1176
appoint the chief executive officer and fill any vacancies 1177
occurring in that position, with the concurrence of the board. 1178

(3) After the first date of the assumption of control of a 1179
municipal school district by a board pursuant to division (F) of 1180
section 3311.71 of the Revised Code, the board shall appoint the 1181
chief executive officer and fill any vacancies occurring in that 1182
position, with the concurrence of the mayor. 1183

(4) An individual appointed to the position of chief 1184
executive officer under division (B)(1), (2), or (3) of this 1185

section shall have a contract with the school district that 1186
includes such terms and conditions of employment as are agreeable 1187
to the board and the appointee, except that each such contract 1188
shall contain a provision stating that, unless the individual 1189
chooses to terminate the contract at a prior time: 1190

(a) During the first thirty months after the date of the 1191
assumption of control of the municipal school district by the 1192
board pursuant to division (B) of section 3311.71 of the Revised 1193
Code, the individual will serve at the pleasure of the mayor; 1194

(b) Beginning thirty months after the date of assumption of 1195
control, the individual will serve at the pleasure of the board, 1196
with the mayor's concurrence required for removal. 1197

(c) The chief executive officer shall appoint a chief 1198
financial officer, a chief academic officer, a chief operating 1199
officer, and a chief communications officer and any other 1200
administrators for the district as the chief executive officer 1201
shall determine to be necessary. The chief executive officer shall 1202
also appoint ombudspersons who shall answer questions and seek to 1203
resolve problems and concerns raised by parents and guardians of 1204
children attending district schools. The chief executive officer 1205
shall appoint a sufficient number of ombudspersons to serve the 1206
needs of the parents and guardians. 1207

A municipal school district is not required to have a 1208
superintendent appointed pursuant to section 3319.01 of the 1209
Revised Code or a treasurer elected pursuant to section 3313.22 of 1210
the Revised Code. In addition to the rights, authority, and duties 1211
conferred upon the chief executive officer and chief financial 1212
officer in sections 3311.71 to ~~3311.76~~ 3311.86 of the Revised 1213
Code, the chief executive officer and the chief financial officer 1214
shall have all of the rights, authority, and duties conferred upon 1215
the superintendent of a school district and the treasurer of a 1216
board of education, respectively, by the Revised Code that are not 1217

inconsistent with sections 3311.71 to ~~3311.76~~ 3311.86 of the Revised Code.

(D) Notwithstanding Chapters 124. and 3319. of the Revised Code, an individual appointed to an administrative position in a municipal school district by its chief executive officer shall have a contract with the school district that includes such terms and conditions of employment as are agreeable to the chief executive officer and the appointee, except that each such contract shall contain a provision stating that, unless the appointee chooses to terminate the contract at a prior time, the appointee will serve at the pleasure of the chief executive officer.

(E) The chief executive officer shall also contract for or employ such consultants, counsel, or other outside parties as in the chief executive officer's reasonable judgment shall be necessary to design, implement, or evaluate the plan required by section 3311.74 of the Revised Code and to properly operate the school district, subject to appropriations by the board.

(F) Notwithstanding section 3301.074 and Chapter 3319. of the Revised Code, no person appointed under this section shall be required to hold any license, certificate, or permit.

Sec. 3311.74. (A) The board of education of a municipal school district, in consultation with the department of education, shall set goals for the district's educational, financial, and management progress and establish accountability standards with which to measure the district's progress.

(B)(1) The chief executive officer of a municipal school district shall develop, implement, and regularly update a plan to measure student academic performance at each school within the district. Where The plan developed by the chief executive officer shall include a component that requires the parents or guardians

of students who attend the district's schools to attend, prior to 1249
the fifteenth day of December each year, at least one 1250
parent-teacher conference or similar event held by the school the 1251
student attends to provide an opportunity for the parents and 1252
guardians to meet the student's teachers, discuss expectations for 1253
the student, discuss the student's performance, and foster 1254
communication between home and school. 1255

(2) Where measurements demonstrate that students in 1256
particular schools are not achieving, or are not improving their 1257
achievement levels at an acceptable rate, the plan shall contain 1258
provisions requiring the chief executive officer, with the 1259
concurrence of the board, to take corrective action within those 1260
schools, including, but not limited to, reallocation of academic 1261
and financial resources, reassignment of staff, redesign of 1262
academic ~~program~~, programs, adjusting the length of the school 1263
year or school day, and deploying additional assistance to 1264
students. 1265

(3) Prior to taking corrective action pursuant to the plan, 1266
the chief executive officer shall first identify which schools are 1267
in need of corrective action, what corrective action is warranted 1268
at each school, and when the corrective action should be 1269
implemented. Collectively, these items shall be known as the 1270
"corrective plan." The corrective plan is not intended to be used 1271
as a cost savings measure; rather, it is intended to improve 1272
student performance at targeted schools. 1273

Immediately after developing the corrective plan, the chief 1274
executive officer and the presiding officer of each labor 1275
organization whose members will be affected by the corrective plan 1276
shall each appoint up to four individuals to form one or more 1277
corrective action teams. The corrective action teams, within the 1278
timelines set by the chief executive officer for implementation of 1279
the corrective plan, shall collaborate with the chief executive 1280

officer and, where there are overlapping or mutual concerns, with 1281
other corrective action teams to make recommendations to the chief 1282
executive officer on implementation of the corrective plan. 1283

If the chief executive officer disagrees with all or part of 1284
the recommendations of a corrective action team, or if a 1285
corrective action team fails to make timely recommendations on the 1286
implementation of all or part of the corrective plan, the chief 1287
executive officer may implement the corrective plan in the manner 1288
in which the chief executive officer determines to be in the best 1289
interest of the students, consistent with the timelines originally 1290
established. 1291

The chief executive officer and any corrective action team 1292
are not bound by the applicable provisions of collective 1293
bargaining agreements in developing recommendations for and 1294
implementing the corrective plan. 1295

(4) Notwithstanding anything to the contrary in Chapter 4117. 1296
of the Revised Code, the content and implementation of the 1297
corrective plan prevail over any conflicting provision of a 1298
collective bargaining agreement entered into on or after the 1299
effective date of this amendment. 1300

(C) Annually the chief executive officer shall issue a report 1301
to residents of the district that includes results of achievement 1302
measurements made under division (B)(1) of this section and 1303
delineates the nature of any reforms and corrective actions being 1304
taken in response to any failure to achieve at an acceptable level 1305
or rate. The report shall also contain descriptions of efforts 1306
undertaken to improve the overall quality or efficiency of 1307
operation of the district, shall list the source of all district 1308
revenues, and shall contain a description of all district 1309
expenditures during the preceding fiscal year. 1310

(D) The chief executive officer shall implement a public 1311

awareness campaign to keep the parents and guardians of the 1312
district's students informed of the changes being implemented 1313
within the district. The campaign may include such methods as 1314
community forums, letters, and brochures. It shall include annual 1315
distribution to all parents and guardians of an information card 1316
specifying the names and business addresses and telephone numbers 1317
of the ombudspersons appointed under section 3311.72 of the 1318
Revised Code and other employees of the district board of 1319
education who may serve as information resources for parents and 1320
guardians. 1321

Sec. 3311.76. (A) Notwithstanding Chapters 3302. and 3317. of 1322
the Revised Code, upon written request of the district chief 1323
executive officer, the state superintendent of public instruction 1324
may exempt a municipal school district from any ~~rules adopted~~ 1325
under requirement of Title XXXVIII of the Revised Code or any rule 1326
adopted under that title, except for any requirement of or rule 1327
adopted under Chapter 3307. or 3309., any of sections 3319.07 to 1328
3319.21 that apply to a municipal school district, or Chapter 1329
3323. of the Revised Code, and may authorize a municipal school 1330
district to apply funds allocated to the district under Chapter 1331
3317. of the Revised Code, except those specifically allocated to 1332
purposes other than current expenses, to the payment of debt 1333
charges on the district's public obligations. The request must 1334
specify the ~~provisions~~ requirements or rules from which the 1335
district is seeking exemption or the application requested and the 1336
reasons for the request. The state superintendent shall approve 1337
the request if the superintendent finds the requested exemption or 1338
application is in the best interest of the district's students. 1339
The superintendent shall approve or disapprove the request within 1340
thirty days and shall notify the district board and the district 1341
chief executive officer of approval or reasons for disapproving 1342
the request. 1343

(B) In addition to the rights, authority, and duties 1344
conferred upon a municipal school district and its board of 1345
education in sections 3311.71 to ~~3311.76~~ 3311.86 of the Revised 1346
Code, a municipal school district and its board shall have all of 1347
the rights, authority, and duties conferred upon a city school 1348
district and its board by law that are not inconsistent with 1349
sections 3311.71 to ~~3311.76~~ 3311.86 of the Revised Code. 1350

Sec. 3311.77. Notwithstanding any provision of the Revised 1351
Code to the contrary, and except as otherwise specified in 1352
division (G)(1) of this section, a municipal school district shall 1353
be subject to this section instead of section 3319.08 of the 1354
Revised Code. Section 3319.0811 of the Revised Code shall not 1355
apply to the district. 1356

(A) The board of education of each municipal school district 1357
shall enter into written contracts for the employment and 1358
re-employment of all teachers. Contracts for the employment of 1359
teachers shall be of three types, limited contracts, extended 1360
limited contracts, and continuing contracts. If the board 1361
authorizes compensation in addition to the salary paid under 1362
section 3311.78 of the Revised Code for the performance of duties 1363
by a teacher that are in addition to the teacher's regular 1364
teaching duties, the board shall enter into a supplemental written 1365
contract with each teacher who is to perform additional duties. 1366
Such supplemental written contracts shall be limited contracts. 1367
Such written contracts and supplemental written contracts shall 1368
set forth the teacher's duties and shall specify the salaries and 1369
compensation to be paid for regular teaching duties and additional 1370
teaching duties, respectively. 1371

If the board adopts a motion or resolution to employ a 1372
teacher under a limited contract or extended limited contract, or 1373
under a continuing contract pursuant to division (E) of this 1374

section, and the teacher accepts such employment, the failure of 1375
such parties to execute a written contract shall not void such 1376
employment contract. 1377

(B) Teachers shall be paid for all time lost when the schools 1378
in which they are employed are closed due to an epidemic or other 1379
public calamity, and for time lost due to illness or otherwise for 1380
not less than five days annually as authorized by regulations 1381
which the board shall adopt. 1382

(C) The term of a limited contract for a teacher shall not 1383
exceed the following: 1384

(1) Five years, in the case of a contract entered into prior 1385
to the effective date of this section; 1386

(2) A term as authorized in division (D) of this section, in 1387
the case of a contract entered into on or after the effective date 1388
of this section. 1389

(D) The term of an initial limited contract for a teacher 1390
described in division (C)(2) of this section shall not exceed two 1391
years. Any subsequent limited contract entered into with that 1392
teacher shall not exceed five years. 1393

(E) A continuing contract is a contract that remains in 1394
effect until the teacher resigns, elects to retire, or is retired 1395
pursuant to former section 3307.37 of the Revised Code, or until 1396
it is terminated or suspended and shall be granted only to 1397
teachers who have provided notice of their eligibility by the 1398
fifteenth day of September of the year the teacher becomes 1399
eligible for a continuing contract and who have met one of the 1400
following criteria: 1401

(1) The teacher holds a professional, permanent, or life 1402
teacher's certificate; 1403

(2) The teacher meets the following conditions: 1404

(a) The teacher was initially issued a teacher's certificate 1405
or educator license prior to January 1, 2011. 1406

(b) The teacher holds a professional educator license issued 1407
under section 3319.22 or 3319.222 or former section 3319.22 of the 1408
Revised Code or a senior professional educator license or lead 1409
professional educator license issued under section 3319.22 of the 1410
Revised Code. 1411

(c) The teacher has completed the applicable one of the 1412
following: 1413

(i) If the teacher did not hold a master's degree at the time 1414
of initially receiving a teacher's certificate under former law or 1415
an educator license, thirty semester hours of coursework in the 1416
area of licensure or in an area related to the teaching field 1417
since the initial issuance of such certificate or license, as 1418
specified in rules which the state board of education shall adopt; 1419

(ii) If the teacher held a master's degree at the time of 1420
initially receiving a teacher's certificate under former law or an 1421
educator license, six semester hours of graduate coursework in the 1422
area of licensure or in an area related to the teaching field 1423
since the initial issuance of such certificate or license, as 1424
specified in rules which the state board shall adopt. 1425

(3) The teacher meets the following conditions: 1426

(a) The teacher never held a teacher's certificate and was 1427
initially issued an educator license on or after January 1, 2011. 1428

(b) The teacher holds a professional educator license, senior 1429
professional educator license, or lead professional educator 1430
license issued under section 3319.22 of the Revised Code. 1431

(c) The teacher has held an educator license for at least 1432
seven years. 1433

(d) The teacher has completed the applicable one of the 1434

following: 1435

(i) If the teacher did not hold a master's degree at the time of initially receiving an educator license, thirty semester hours of coursework in the area of licensure or in an area related to the teaching field since the initial issuance of that license, as specified in rules which the state board shall adopt; 1436
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(ii) If the teacher held a master's degree at the time of initially receiving an educator license, six semester hours of graduate coursework in the area of licensure or in an area related to the teaching field since the initial issuance of that license, as specified in rules which the state board shall adopt. 1441
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(F) Nothing in division (E) of this section shall be construed to void or otherwise affect a continuing contract entered into prior to the effective date of this section. 1446
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(G) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code: 1449
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(1) The requirements of division (D)(3) of section 3319.08 of the Revised Code prevail over any conflicting provisions of a collective bargaining agreement entered into between October 16, 2009, and the effective date of this section. 1451
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(2) The requirements of this section prevail over any conflicting provisions of a collective bargaining agreement entered into on or after the effective date of this section. 1455
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(H) Wherever the term "educator license" is used in this section without reference to a specific type of educator license, the term does not include an educator license for substitute teaching issued under section 3319.226 of the Revised Code. 1458
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Sec. 3311.78. Notwithstanding any provision of the Revised Code to the contrary, a municipal school district shall be subject to this section instead of sections 3317.13, 3317.14, and 3317.141 1462
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1464

of the Revised Code. 1465

(A) As used in this section, "principal" includes an 1466
assistant principal. 1467

(B) The board of education of each municipal school district 1468
annually shall adopt a differentiated salary schedule for teachers 1469
based upon performance as described in division (D) of this 1470
section. The board also annually shall adopt a differentiated 1471
salary schedule for principals based upon performance as described 1472
in division (D) of this section. 1473

For each teacher or principal hired on or after the effective 1474
date of this section, the board shall determine the teacher's or 1475
principal's initial placement on the applicable salary schedule 1476
based on years of experience and area of licensure and any other 1477
factors the board considers appropriate. For each teacher hired 1478
prior to the effective date of this section, the board shall 1479
initially place the teacher on the applicable salary schedule so 1480
that the teacher's annual salary on the schedule is comparable to 1481
the teacher's annual salary for the school year immediately prior 1482
to the school year covered by the schedule. For each principal 1483
hired prior to the effective date of this section, the board shall 1484
initially place the principal on the applicable salary schedule 1485
consistent with the principal's employment contract. 1486

(C) The salary of a teacher shall not be reduced unless such 1487
reduction is accomplished as part of a negotiated collective 1488
bargaining agreement. The salary of a principal shall not be 1489
reduced during the term of the principal's employment contract 1490
unless such reduction is by mutual agreement of the board and the 1491
principal or is part of a uniform plan affecting the entire 1492
district. 1493

(D) For purposes of the schedules, the board shall measure a 1494
teacher's or principal's performance by considering all of the 1495

<u>following:</u>	1496
<u>(1) The level of license issued under section 3319.22 of the Revised Code that the teacher or principal holds;</u>	1497
<u>(2) Whether the teacher or principal is a highly qualified teacher, as defined in section 3319.074 of the Revised Code;</u>	1499
<u>(3) Ratings received by the teacher or principal on performance evaluations conducted under section 3311.80 or 3311.84 of the Revised Code;</u>	1501
<u>(4) Any specialized training and experience in the assigned position.</u>	1504
<u>(E) The salary schedules adopted under this section may provide for additional compensation for teachers or principals who perform duties, not contracted for under a supplemental contract, that the board determines warrant additional compensation. Those duties may include, but are not limited to, assignment to a school building eligible for funding under Title I of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6301 et seq.;</u>	1506
<u>assignment to a building in "school improvement" status under the "No Child Left Behind Act of 2001," as defined in section 3302.01 of the Revised Code; teaching in a grade level or subject area in which the board has determined there is a shortage within the district; assignment to a hard-to-staff school, as determined by the board; or teaching in a school with an extended school day or school year.</u>	1507
<u>(F) The chief executive officer of the district, or the chief executive officer's designee, annually shall review the salary of each teacher and principal and make a recommendation to the board. Based on the recommendation, the board may increase a teacher's or principal's salary based on the teacher's or principal's performance and duties as provided for in divisions (D) and (E) of this section. The performance-based increase for a teacher or</u>	1508
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principal rated as accomplished shall be greater than the 1527
performance-based increase for a teacher or principal rated as 1528
proficient. Notwithstanding division (C) of this section, division 1529
(C) of section 3319.02, and section 3319.12 of the Revised Code, 1530
the board may decrease the teacher's or principal's salary if the 1531
teacher or principal will perform fewer or different duties 1532
described in division (E) of this section in the school year for 1533
which the salary is decreased. 1534

(G) Notwithstanding any provision to the contrary in Chapter 1535
4117. of the Revised Code, the requirements of this section 1536
prevail over any conflicting provisions of a collective bargaining 1537
agreement entered into on or after the effective date of this 1538
section. However, the board and the teachers' labor organization 1539
shall negotiate the implementation of the differentiated salary 1540
schedule for teachers and may negotiate additional factors 1541
regarding teacher salaries, provided those factors are consistent 1542
with this section. 1543

Sec. 3311.79. (A) When assigning teachers to schools of a 1544
municipal school district prior to the start of a school year, 1545
teachers may apply for open positions. All applicants shall be 1546
considered. Applicants may be interviewed by a building level team 1547
comprised of the building principal, a representative of the 1548
district teachers' labor organization, a parent, a staff member in 1549
the same job classification as the posted position, and any other 1550
members mutually agreed upon by the principal and the labor 1551
organization representative. When openings occur, the principal 1552
and labor organization representative shall mutually select the 1553
members of the building level team. Interviews by the building 1554
level team shall not be delayed due to the unavailability of duly 1555
notified team members. The team shall make recommendations whether 1556
to assign a teacher to an open position in the building based on 1557
how suitably the teacher's credentials fulfill the needs of the 1558

particular school. For this purpose, the building level team shall 1559
consider the following credentials: 1560

(1) The level of license issued under section 3319.22 of the 1561
Revised Code that the teacher holds; 1562

(2) The number of subject areas the teacher is licensed to 1563
teach; 1564

(3) Whether the teacher is a highly qualified teacher, as 1565
defined in section 3319.074 of the Revised Code; 1566

(4) The results of the teacher's performance evaluations 1567
conducted under section 3311.80 of the Revised Code; 1568

(5) Whether the teacher has recently taught and been 1569
evaluated in the subject areas the teacher would teach at the 1570
school; 1571

(6) Any specialized training or experience the teacher 1572
possesses that are relevant to the open position; 1573

(7) Any other credentials established by the district chief 1574
executive officer or a building level team. 1575

(B) The building level team shall make its recommendations to 1576
the district chief executive officer or the chief executive 1577
officer's designee for the chief executive officer's or designee's 1578
final approval of the assignment. 1579

(C) In the event that open positions in one or more school 1580
buildings have not been filled through the procedures set forth in 1581
divisions (A) and (B) of this section, or if the building level 1582
team has not been able to reach a consensus on a candidate, by ten 1583
days prior to the first work day for teachers of the school year, 1584
the district chief executive officer or the chief executive 1585
officer's designee shall assign teachers to any of those open 1586
positions based on the best interests of the district. In making 1587
an assignment under this division, the chief executive officer or 1588

the chief executive officer's designee shall take into 1589
consideration all input from the building level team members. 1590

(D) In the event that a position opens after the first 1591
student day of the school year, the building level team interview 1592
and recommendation procedures set forth in divisions (A) and (B) 1593
of this section shall be used to fill the open position. If any 1594
positions remain open, or if the building level team has not been 1595
able to reach a consensus on a candidate, after a reasonable 1596
period of time as determined by the chief executive officer or the 1597
chief executive officer's designee, the chief executive officer or 1598
the chief executive officer's designee shall assign teachers to 1599
any of those open positions based on the best interests of the 1600
district. In making an assignment under this division, the chief 1601
executive officer or the chief executive officer's designee shall 1602
take into consideration all input from the building level team 1603
members. 1604

(E) In the event it becomes necessary to assign, reassign, or 1605
transfer a teacher, whether voluntarily or involuntarily on the 1606
part of the teacher, for the purpose of promoting the best 1607
interests of the district, the chief executive officer or the 1608
chief executive officer's designee shall first meet with the 1609
teacher, the principals of the affected buildings, and a 1610
representative of the district teachers' labor organization. The 1611
assignment, reassignment, or transfer shall not be delayed due to 1612
the unavailability of the meeting participants who have been duly 1613
notified. 1614

(F) The district chief executive officer or a building level 1615
team shall not use seniority or continuing contract status as the 1616
primary factor in determining any teacher's assignment to a 1617
school. 1618

(G) Notwithstanding any provision to the contrary in Chapter 1619
4117. of the Revised Code, the requirements of this section 1620

prevail over any conflicting provisions of a collective bargaining agreement entered into on or after the effective date of this section. However, the board and the teachers' labor organization shall negotiate regarding the implementation of this section, including the processes by which each building level team conducts its interviews and makes recommendations, consistent with this section. 1621
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Sec. 3311.80. Notwithstanding any provision of the Revised Code to the contrary, a municipal school district shall be subject to this section instead of section 3319.111 of the Revised Code. 1628
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(A) Not later than July 1, 2013, the board of education of each municipal school district and the teachers' labor organization shall develop and adopt standards-based teacher evaluation procedures that conform with the framework for evaluation of teachers developed under section 3319.112 of the Revised Code. The evaluation procedures shall include at least formal observations and classroom walk-throughs, which may be announced or unannounced; examinations of samples of work, such as lesson plans or assessments designed by a teacher; and multiple measures of student academic growth. 1631
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(B) When using measures of student academic growth as a component of a teacher's evaluation, those measures shall include the value-added progress dimension prescribed by section 3302.021 of the Revised Code. For teachers of grade levels and subjects for which the value-added progress dimension is not applicable, the board shall administer assessments on the list developed under division (B)(2) of section 3319.112 of the Revised Code. 1641
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(C)(1) Each teacher employed by the board shall be evaluated at least once each school year, except as provided in division (C)(2) of this section. The composite evaluation shall be completed not later than the first day of June and the teacher 1648
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shall receive a written report of the results of the composite 1652
evaluation not later than ten days after its completion or the 1653
last teacher work day of the school year, whichever is earlier. 1654

(2) Each teacher who received a rating of accomplished on the 1655
teacher's most recent evaluation conducted under this section may 1656
be evaluated once every two school years, except that the teacher 1657
shall be evaluated in any school year in which the teacher's 1658
contract is due to expire. The biennial composite evaluation shall 1659
be completed not later than the first day of June of the 1660
applicable school year, and the teacher shall receive a written 1661
report of the results of the composite evaluation not later than 1662
ten days after its completion or the last teacher work day of the 1663
school year, whichever is earlier. 1664

(D) Each evaluation conducted pursuant to this section shall 1665
be conducted by one or more of the following persons who have been 1666
trained to conduct evaluations in accordance with criteria that 1667
shall be developed jointly by the chief executive officer of the 1668
district, or the chief executive officer's designee, and the 1669
teachers' labor organization: 1670

(1) The chief executive officer or a subordinate officer of 1671
the district with responsibility for instruction or academic 1672
affairs; 1673

(2) A person who is under contract with the board pursuant to 1674
section 3319.02 of the Revised Code and holds a license designated 1675
for being a principal issued under section 3319.22 of the Revised 1676
Code; 1677

(3) A person who is under contract with the board pursuant to 1678
section 3319.02 of the Revised Code and holds a license designated 1679
for being a vocational director or a supervisor in any educational 1680
area issued under section 3319.22 of the Revised Code; 1681

(4) A person designated to conduct evaluations under an 1682

agreement providing for peer assistance and review entered into by 1683
the board and the teachers' labor organization. 1684

(E) The evaluation procedures shall describe how the 1685
evaluation results will be used for decisions regarding 1686
compensation, retention, promotion, and reductions in force and 1687
for removal of poorly performing teachers. 1688

(F) A teacher may challenge any violations of the evaluation 1689
procedures in accordance with the grievance procedure specified in 1690
any applicable collective bargaining agreement. A challenge under 1691
this division is limited to the determination of procedural errors 1692
that have resulted in substantive harm to the teacher and to 1693
ordering the correction of procedural errors. The failure of the 1694
board or a person conducting an evaluation to strictly comply with 1695
any deadline or evaluation forms established as part of the 1696
evaluation process shall not be cause for an arbitrator to 1697
determine that a procedural error occurred, unless the arbitrator 1698
finds that the failure resulted in substantive harm to the 1699
teacher. The arbitrator shall have no jurisdiction to modify the 1700
evaluation results, but the arbitrator may stay any decision taken 1701
pursuant to division (E) of this section pending the board's 1702
correction of any procedural error. The board shall correct any 1703
procedural error within fifteen business days after the 1704
arbitrator's determination that a procedural error occurred. 1705

(G) Notwithstanding any provision to the contrary in Chapter 1706
4117. of the Revised Code, the requirements of this section 1707
prevail over any conflicting provisions of a collective bargaining 1708
agreement entered into on or after the effective date of this 1709
section. However, the board and the teachers' labor organization 1710
may negotiate additional evaluation procedures, including an 1711
evaluation process incorporating peer assistance and review, 1712
provided the procedures are consistent with this section. 1713

(H) This section does not apply to administrators appointed 1714

by the chief executive officer of a municipal school district 1715
under section 3311.72 of the Revised Code, administrators subject 1716
to evaluation procedures under section 3311.84 or 3319.02 of the 1717
Revised Code, or to any teacher employed as a substitute for less 1718
than one hundred twenty days during a school year pursuant to 1719
section 3319.10 of the Revised Code. 1720

Sec. 3311.81. Notwithstanding any provision of the Revised 1721
Code to the contrary, a municipal school district shall be subject 1722
to this section instead of section 3319.11 of the Revised Code. 1723

(A) As used in this section: 1724

(1) "Evaluation procedures" means the procedures adopted 1725
pursuant to division (A) of section 3311.80 of the Revised Code. 1726

(2) "Limited contract" means a limited contract, as described 1727
in section 3311.77 of the Revised Code, that the board of 1728
education of a municipal school district enters into with a 1729
teacher who is not eligible for a continuing contract. 1730

(3) "Extended limited contract" means a limited contract, as 1731
described in section 3311.77 of the Revised Code, that the board 1732
enters into with a teacher who is eligible for a continuing 1733
contract, but to whom a continuing contract has not been granted 1734
by the board. 1735

(B) The board of education of each municipal school district 1736
shall enter into a limited contract with each teacher employed by 1737
the board who is not eligible to be considered for a continuing 1738
contract. 1739

Any teacher employed under a limited contract who is not 1740
eligible to be considered for a continuing contract is, at the 1741
expiration of such limited contract, considered re-employed under 1742
a one-year limited contract, unless the board gives such teacher 1743
written notice of its intention not to re-employ such teacher on 1744

or before the first day of June. The teacher is presumed to have 1745
accepted such employment unless the teacher notifies the board in 1746
writing to the contrary on or before the tenth day of July. 1747

Any teacher receiving a written notice of the intention of 1748
the board not to re-employ such teacher pursuant to this division 1749
is entitled to a hearing under division (C) of this section. 1750

(C) Any teacher receiving written notice of the intention of 1751
the board not to re-employ such teacher pursuant to division (B) 1752
of this section may request a hearing before the board. The 1753
request for a hearing shall be in writing and shall be delivered 1754
to the chief financial officer of the district within ten days of 1755
the date of receipt of the notice. The hearing shall be held in 1756
executive session of the board at the board's next scheduled 1757
meeting. Following the hearing, or if no hearing is requested, the 1758
board shall act on the question of the teacher's re-employment. 1759
The decision of the board shall be final and shall not be subject 1760
to further appeal. 1761

(D)(1) Upon the recommendation of the chief executive officer 1762
that a teacher be re-employed where the teacher satisfies the 1763
criteria in division (E) of section 3311.77 of the Revised Code 1764
and has taught in the district for at least three years, or at 1765
least two years in the case of a teacher who received a continuing 1766
contract elsewhere, the board shall enter into a continuing 1767
contract with the teacher, unless the board by a three-fourths 1768
vote of its full membership rejects the recommendation of the 1769
chief executive officer. If the board rejects the recommendation, 1770
or if the chief executive officer recommends that the teacher not 1771
be re-employed, the board may proceed not to renew the teacher's 1772
contract in accordance with this section as if the teacher was not 1773
eligible to be considered for a continuing contract. 1774

(2) In the event the chief executive officer does not 1775
recommend to the board that a teacher receive a continuing 1776

contract where the teacher satisfies the criteria in division (E) 1777
of section 3311.77 of the Revised Code and has taught in the 1778
district for at least three years, or at least two years in the 1779
case of a teacher who received a continuing contract elsewhere, 1780
the chief executive officer may recommend to the board that the 1781
teacher receive an extended limited contract. In that event, the 1782
chief executive officer, or the chief executive officer's 1783
designee, shall provide the teacher written notice, not less than 1784
five business days prior to any board action on the 1785
recommendation, with reasons directed at professional development. 1786
The board shall act on the recommendation for an extended limited 1787
contract with reasons directed at professional development not 1788
later than the first day of June. An extended limited contract may 1789
be issued: 1790

(a) For a teacher who has been awarded a continuing contract 1791
in another school district and has served in the municipal school 1792
district for two years, in one-year increments or for multiple 1793
years, in no event to exceed a total of two years; 1794

(b) For a teacher who is newly eligible for a continuing 1795
contract, in one-year increments or for multiple years, in no 1796
event to exceed a total of four years. 1797

Upon any subsequent reemployment of the teacher after the 1798
expiration of the extended limited contract or contracts, only a 1799
continuing contract may be entered into. The teacher is presumed 1800
to have accepted employment under such continuing contract unless 1801
the teacher notifies the board in writing to the contrary before 1802
the tenth day of July, and a continuing contract shall be executed 1803
accordingly. 1804

(3) In the event the chief executive officer fails to make 1805
any recommendation regarding a contract for a teacher who 1806
satisfies the criteria in division (E) of section 3311.77 of the 1807
Revised Code and has taught in the district for at least three 1808

years, or at least two years in the case of a teacher who received 1809
a continuing contract elsewhere, the teacher shall be re-employed 1810
under a one-year extended limited contract. That contract may be 1811
subsequently extended for an additional one to three years 1812
consistent with divisions (D)(2)(a) and (b) of this section. The 1813
teacher is presumed to have accepted employment under such 1814
extended limited contract unless the teacher notifies the board in 1815
writing to the contrary before the tenth day of July. 1816

(E) The provisions of this section shall not apply to any 1817
supplemental written contracts entered into pursuant to section 1818
3311.77 of the Revised Code. 1819

(F) Notwithstanding any provision to the contrary in Chapter 1820
4117. of the Revised Code, the requirements of this section 1821
prevail over any conflicting provisions of a collective bargaining 1822
agreement entered into on or after the effective date of this 1823
section. However, the board and the teachers' labor organization 1824
shall negotiate the due process procedures preceding a teacher's 1825
receipt of a written notice indicating the intent of the board not 1826
to re-employ the teacher, which procedures shall be consistent 1827
with this section. 1828

Sec. 3311.82. Notwithstanding any provision of the Revised 1829
Code to the contrary, a municipal school district shall be subject 1830
to this section instead of sections 3319.16 and 3319.161 of the 1831
Revised Code with respect to termination of teacher contracts, but 1832
those sections shall apply to the district with respect to 1833
termination of contracts with other district employees licensed by 1834
the state board of education, subject to section 3311.72 and 1835
division (F) of section 3311.84 of the Revised Code. 1836

(A) The board of education of a municipal school district may 1837
terminate the contract of a teacher employed by the board only for 1838
good and just cause. In addition, the board may place a teacher on 1839

disciplinary suspension without pay for a definite period of time 1840
for good and just cause. For purposes of contract terminations, 1841
good and just cause shall include receiving a composite evaluation 1842
rating of ineffective under section 3311.80 of the Revised Code 1843
for two consecutive years. A violation of division (A)(7) of 1844
section 2907.03 of the Revised Code is grounds for termination or 1845
disciplinary suspension without pay of a teacher under this 1846
section. 1847

(B) If an administrator determines, after a preliminary 1848
investigation, that a teacher may have engaged in conduct that 1849
could lead to a recommendation for termination or disciplinary 1850
suspension without pay, the teacher shall be entitled to a 1851
fact-finding hearing to determine if termination or disciplinary 1852
suspension without pay is warranted. The hearing shall be held 1853
before an administrator designated by the chief executive officer 1854
of the district. Prior to the hearing, the administrator 1855
designated by the chief executive officer shall provide the 1856
teacher with written notice of the allegations and of the right to 1857
request representation by the teachers' labor organization, and 1858
copies of any written evidence related to the allegations. The 1859
hearing shall be held within a reasonable period of time following 1860
the teacher's receipt of the written notice of the allegations. 1861
The teacher may have a representative of the teachers' labor 1862
organization present at the hearing. During the hearing, the 1863
teacher shall be given a meaningful opportunity to respond to the 1864
allegations, including the opportunity to submit additional 1865
evidence. Not later than ten business days after the hearing, the 1866
administrator designated by the chief executive officer shall 1867
notify the teacher in writing of the administrator's 1868
recommendation for discipline and the rationale for the 1869
recommendation, and shall provide a copy of the notification to 1870
the chief executive officer. 1871

(C) If the administrator designated by the chief executive officer recommends to the chief executive officer that the teacher be terminated or placed on disciplinary suspension without pay, the chief executive officer shall review the evidence and determine whether termination or disciplinary suspension without pay is warranted. The chief executive officer shall make a recommendation regarding discipline at the next scheduled meeting of the board. The board may adopt or modify the chief executive officer's recommendation, except that the board shall not increase the recommended discipline. The board shall notify the teacher of any action taken by the board on the chief executive officer's recommendation. Any termination or disciplinary suspension without pay imposed by the board shall take effect immediately.

(D) A teacher who is terminated or placed on disciplinary suspension without pay under this section may appeal the board's action in accordance with the grievance procedures specified in any applicable collective bargaining agreement. The failure of the board, chief executive officer, or administrator designated by the chief executive officer to strictly comply with any procedures established by this section or applicable collective bargaining agreement shall not be cause for an arbitrator to overturn the termination or disciplinary suspension without pay, unless the arbitrator finds that the failure resulted in substantive harm to the teacher.

(E) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code:

(1) The provisions of section 3319.16 of the Revised Code relating to the grounds for termination of the contract of a teacher prevail over any conflicting provisions of a collective bargaining agreement entered into prior to the effective date of this section.

(2) The requirements of this section prevail over any

conflicting provisions of a collective bargaining agreement 1904
entered into on or after the effective date of this section. 1905

Sec. 3311.83. Notwithstanding any provision of the Revised 1906
Code to the contrary, and except as otherwise specified in 1907
division (E) of this section, a municipal school district shall be 1908
subject to this section instead of section 3319.17 of the Revised 1909
Code with respect to suspension of teacher contracts, but sections 1910
3311.72, 3319.17, and 3319.171 of the Revised Code shall apply to 1911
the district with respect to suspension of contracts of other 1912
district employees who may be licensed by the state board of 1913
education. 1914

(A) When, for any of the following reasons that apply to a 1915
municipal school district, the district board of education decides 1916
that it will be necessary to reduce the number of teachers it 1917
employs, it may make a reasonable reduction: 1918

(1) Return to duty of regular teachers after leaves of 1919
absence, including leaves of absence provided pursuant to section 1920
3319.13 or 3319.14 of the Revised Code; 1921

(2) Decreased enrollment of students in the district; 1922

(3) Academic reasons resulting in consolidation of teaching 1923
positions, duties, or functions or resulting in changes in 1924
educational programs; 1925

(4) Financial reasons; 1926

(5) Territorial changes affecting the district. 1927

(B) In making any such reduction, the board shall proceed to 1928
suspend contracts in accordance with the recommendation of the 1929
district's chief executive officer and divisions (B)(1) and (2) 1930
and (E) of this section. 1931

(1) Each teacher affected by the reduction, based on area of 1932
licensure, shall be placed in one of the following categories: 1933

<u>(a) Category 1A, which shall contain all teachers on limited</u>	1934
<u>or extended limited contracts with a composite evaluation rating</u>	1935
<u>of ineffective;</u>	1936
<u>(b) Category 1B, which shall contain all teachers on</u>	1937
<u>continuing contracts with a composite evaluation rating of</u>	1938
<u>ineffective;</u>	1939
<u>(c) Category 2A, which shall contain all teachers on limited</u>	1940
<u>or extended limited contracts with a composite evaluation rating</u>	1941
<u>of developing;</u>	1942
<u>(d) Category 2B, which shall contain all teachers on</u>	1943
<u>continuing contracts with a composite evaluation rating of</u>	1944
<u>developing;</u>	1945
<u>(e) Category 3A, which shall contain all teachers on limited</u>	1946
<u>or extended limited contracts with a composite evaluation rating</u>	1947
<u>of proficient;</u>	1948
<u>(f) Category 3B, which shall contain all teachers on</u>	1949
<u>continuing contracts with a composite evaluation rating of</u>	1950
<u>proficient;</u>	1951
<u>(g) Category 4A, which shall contain all teachers on limited</u>	1952
<u>or extended limited contracts with a composite evaluation rating</u>	1953
<u>of accomplished;</u>	1954
<u>(h) Category 4B, which shall contain all teachers on</u>	1955
<u>continuing contracts with a composite evaluation rating of</u>	1956
<u>accomplished.</u>	1957
<u>(2) Consistent with division (E) of this section, reductions</u>	1958
<u>in the affected area of licensure shall be made starting with</u>	1959
<u>teachers in category 1A and shall proceed sequentially through</u>	1960
<u>teachers in category 4B, until all necessary reductions have</u>	1961
<u>occurred.</u>	1962
<u>(3) The evaluation ratings specified in division (B)(1) of</u>	1963

this section refer to composite evaluation ratings assigned to a 1964
teacher in accordance with the evaluation procedures adopted under 1965
section 3311.80 of the Revised Code. 1966

(C) On a case-by-case basis, in lieu of suspending a contract 1967
in whole, the board may suspend a contract in part, so that an 1968
individual is required to work a percentage of the time the 1969
employee otherwise is required to work under the contract and 1970
receives a commensurate percentage of the full compensation the 1971
employee otherwise would receive under the contract. 1972

(D) The teachers whose contracts are suspended by the board 1973
pursuant to this section shall have the right of restoration by 1974
the board if and when teaching positions become vacant or are 1975
created, for which the teachers are or become qualified within 1976
three years after the date of the suspension of contract. 1977
Consistent with division (E) of this section, the board shall 1978
rehire teachers in the affected area of licensure starting with 1979
teachers in category 4B and shall proceed sequentially through 1980
teachers in category 1A, until all vacant positions have been 1981
filled. No teacher whose contract has been suspended pursuant to 1982
this section shall lose the right of restoration by reason of 1983
having declined recall to a position that is less than full-time 1984
or, if the teacher was not employed full-time just prior to 1985
suspension of the teacher's continuing contract, to a position 1986
requiring a lesser percentage of full-time employment than the 1987
position the teacher last held while employed in the district. 1988

(E)(1) Notwithstanding any provision to the contrary in 1989
Chapter 4117. of the Revised Code, the requirements of this 1990
section prevail over any conflicting provisions of a collective 1991
bargaining agreement entered into on or after the effective date 1992
of this section. However, the board and the teachers' labor 1993
organization shall negotiate how specialized training and 1994
experience will be factored into reduction in force and recall 1995

decisions regardless of the categories prescribed by division (B) 1996
of this section. In addition, the board and the teachers' labor 1997
organization may negotiate additional factors to be considered in 1998
determining the order of reductions, which factors shall not be 1999
inconsistent with division (B) of this section. 2000

(2) After applying specialized training and experience and 2001
any other negotiated factors, teachers within the same category 2002
prescribed by division (B) of this section shall be given 2003
preference based on seniority. 2004

Sec. 3311.84. Notwithstanding any provision of the Revised 2005
Code to the contrary, a municipal school district shall be subject 2006
to this section instead of division (D) of section 3319.02 of the 2007
Revised Code with respect to principals and assistant principals, 2008
but all other provisions of that section shall apply to the 2009
district with respect to principals and assistant principals. 2010
Section 3319.02 of the Revised Code in its entirety shall apply to 2011
the district with respect to employees other than principals and 2012
assistant principals who are covered by that section, except as 2013
otherwise provided in section 3311.72 of the Revised Code. 2014

(A) As used in this section, "principal" includes an 2015
assistant principal. 2016

(B) The board of education of each municipal school district 2017
shall adopt procedures for the evaluation of principals and shall 2018
evaluate all principals in accordance with those procedures. The 2019
procedures shall be based on principles comparable to the teacher 2020
evaluation procedures adopted under section 3311.80 of the Revised 2021
Code, but shall be tailored to the duties and responsibilities of 2022
principals and the environment in which principals work. Each 2023
evaluation shall measure the principal's effectiveness in 2024
performing the duties included in the principal's job description 2025
and shall be considered by the board in deciding whether to renew 2026

the principal's contract of employment. 2027

(C) The evaluation procedures adopted under this section 2028
shall require each principal to be evaluated annually through a 2029
written evaluation process. The evaluation shall be conducted by 2030
the chief executive officer of the district, or the chief 2031
executive officer's designee. 2032

(D) To provide time to show progress in correcting 2033
deficiencies identified in the evaluation, each evaluation shall 2034
be completed as follows: 2035

(1) In any school year that the principal's contract of 2036
employment is not due to expire, at least one evaluation shall be 2037
completed in that year. A written copy of the evaluation shall be 2038
provided to the principal by the end of the principal's contract 2039
year as defined by the principal's annual salary notice. 2040

(2) In any school year that the principal's contract of 2041
employment is due to expire, at least a preliminary evaluation and 2042
a final evaluation shall be completed in that year. A written copy 2043
of the preliminary evaluation shall be provided to the principal 2044
at least sixty days prior to any action by the board on the 2045
principal's contract of employment. The final evaluation shall 2046
indicate the chief executive officer's intended recommendation to 2047
the board regarding a contract of employment for the principal. A 2048
written copy of the final evaluation shall be provided to the 2049
principal at least five days prior to the chief executive officer 2050
making the recommendation to the board. 2051

(E) At least thirty days prior to taking action to renew or 2052
not renew the contract of a principal, the board shall notify the 2053
principal of the board's intended action and that the principal 2054
may request a meeting with the board regarding the board's 2055
intended action. Upon request of the principal, the board shall 2056
grant the principal a meeting in executive session. In that 2057

meeting, the board shall discuss its reasons for considering 2058
renewal or nonrenewal of the contract. The principal shall be 2059
permitted to have a representative, chosen by the principal, 2060
present at the meeting. 2061

The establishment of evaluation procedures in accordance with 2062
this section shall not create an expectancy of continued 2063
employment. Nothing in this section shall prevent the board from 2064
making the final determination regarding the renewal or nonrenewal 2065
of a principal's contract. 2066

(F) Termination of a principal's contract shall be in 2067
accordance with section 3319.16 of the Revised Code, except as 2068
follows: 2069

(1) Failure of the principal's building to meet academic 2070
performance standards established by the chief executive officer 2071
shall be considered good and just cause for termination under that 2072
section. 2073

(2) If the chief executive officer intends to recommend to 2074
the board that the principal's contract be terminated, the chief 2075
executive officer shall provide the principal a written copy of 2076
the principal's evaluation at least five days prior to making the 2077
recommendation to the board. 2078

Sec. 3311.85. (A) The board of education of each municipal 2079
school district annually shall approve a calendar or calendars 2080
establishing a school year that complies with the minimum school 2081
year prescribed by section 3313.48 of the Revised Code. The board 2082
has final authority to establish a school calendar, including the 2083
starting and ending times for the school day, for one or more of 2084
the district's school buildings that provides for additional 2085
student days or hours beyond the minimum prescribed by that 2086
section. A school's calendar may prescribe year-round instruction 2087
or an extended school day. 2088

(B) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the requirements and authorizations of this section prevail over any conflicting provisions of a collective bargaining agreement entered into on or after the effective date of this section. However, the district board and teachers' labor organization shall negotiate regarding any additional compensation for school staff for an extended school year or school day, consistent with section 3311.78 of the Revised Code. 2089
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Sec. 3311.86. (A) As used in this section: 2098

(1) "Alliance" means a municipal school district transformation alliance established as a nonprofit corporation. 2099
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(2) "Alliance municipal school district" means a municipal school district for which an alliance has been created under this section. 2101
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(3) "Partnering community school" means a community school established under Chapter 3314. of the Revised Code that is located within the territory of a municipal school district and is sponsored by the district, receives services from the district, leases a building from the district, or is a party to an agreement with the district whereby the district and the community school endorse each other's programs. 2104
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(4) "Transformation alliance education plan" means a plan prepared by the mayor, and confirmed by the alliance, to transform public education in the alliance municipal school district to a system of municipal school district schools and partnering community schools that will be held to the highest standards of school performance and student achievement. 2111
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(B) If one or more partnering community schools are located in a municipal school district, the mayor may initiate proceedings 2117
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to establish a municipal school district transformation alliance 2119
as a nonprofit corporation under Chapter 1702. of the Revised 2120
Code. The mayor shall appoint the initial directors of any 2121
alliance created under this section. The directors of the alliance 2122
shall include representatives of all of the following: 2123

(1) The municipal school district; 2124

(2) Partnering community schools; 2125

(3) Members of the community at large, including parents and 2126
educators; 2127

(4) The business community, including business leaders and 2128
foundation leaders. 2129

No one group listed in divisions (B)(1) to (4) of this 2130
section shall comprise a majority of the directors. The mayor 2131
shall be an ex officio director, and serve as the chairperson of 2132
the board of directors, of any alliance created under this 2133
section. If the proceedings are initiated, the mayor shall 2134
identify the initial directors in the articles of incorporation 2135
filed under section 1702.04 of the Revised Code. 2136

(C)(1) A majority of the members of the board of directors of 2137
the alliance shall constitute a quorum of the board. Any formal 2138
action taken by the board of directors shall take place at a 2139
meeting of the board and shall require the concurrence of a 2140
majority of the members of the board. Meetings of the board of 2141
directors shall be public meetings open to the public at all 2142
times, except that the board may hold an executive session for any 2143
of the purposes for which an executive session of a public body is 2144
permitted under division (G) of section 121.22 of the Revised 2145
Code. The board of directors shall establish reasonable methods 2146
whereby any person may determine the time and place of all of the 2147
board's public meetings and by which any person, upon request, may 2148
obtain reasonable advance notification of the board's public 2149

meetings. Provisions for that advance notification may include, 2150
but are not limited to, mailing notices to all subscribers on a 2151
mailing list or mailing notices in self-addressed, stamped 2152
envelopes provided by the person. 2153

(2) All records of the alliance shall be organized and 2154
maintained by the alliance and also filed with the department of 2155
education. The alliance and the department shall make those 2156
records available to the public as though those records were 2157
public records for purposes of Chapter 149. of the Revised Code. 2158
The department shall promptly notify the alliance upon the 2159
department's receipt of any requests for records relating to the 2160
alliance pursuant to section 149.43 of the Revised Code. 2161

(3) The board of directors of the alliance shall establish a 2162
conflicts of interest policy and shall adopt that policy, and any 2163
amendments to the policy, at a meeting of the board held in 2164
accordance with this section. 2165

(D) If an alliance is created under this section, the 2166
alliance shall do all of the following: 2167

(1) Confirm and monitor implementation of the transformation 2168
alliance education plan; 2169

(2) Suggest national education models and develop venues for 2170
the community and institutions within the territory of the 2171
alliance municipal school district to provide input in the 2172
development of new schools within the territory of the district; 2173

(3) Work with the alliance municipal school district and 2174
partnering community schools to adopt a comprehensive, 2175
evidence-based framework to assess district and community schools 2176
and advocate for school performance accountability with the 2177
department of education. The alliance annually shall assess the 2178
performance of district schools and community schools using the 2179
framework adopted under this division. 2180

(4) Communicate school choices within the territory of the alliance municipal school district by publishing and making available to parents and guardians of students an annual report summarizing the alliance's assessments of district and community school performance and providing, during the intradistrict open enrollment period under section 3313.97 of the Revised Code, information about educational choices; 2181
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(5) Assess community school growth and quality by applying national quality standards as they relate to the opening of community schools located within the territory of the alliance municipal school district or the closure of failing community schools located within the territory of the alliance municipal school district. 2188
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(E) Divisions (E)(1) to (6) of this section apply to each community school proposed to be located in an alliance municipal school district and for which a contract under section 3314.03 of the Revised Code has not been signed prior to the effective date of this section. 2194
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(1) Before the governing authority of a community school to which this division applies enters into a contract with a sponsor under section 3314.03 of the Revised Code, the governing authority shall request and receive approval from the alliance to establish the community school. 2199
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(2) Before a person, group of individuals, or entity applies to the department of education under section 3314.029 of the Revised Code for authorization to establish a community school to which this division applies, the person, group, or entity shall request and receive approval from the alliance to establish the community school. 2204
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(3) Each person or group of individuals that enters into a preliminary agreement under division (C) of section 3314.02 of the 2210
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Revised Code for a community school that is subject to this 2212
division immediately shall file a copy of the agreement, and each 2213
amendment or supplement to the agreement, with the alliance. 2214

(4) The governing authority of each community school that is 2215
subject to this division immediately shall file a copy of the 2216
contract it enters into under section 3314.03 of the Revised Code, 2217
and each amendment or supplement to the contract, with the 2218
alliance. 2219

(5) The alliance, in consultation with the department of 2220
education, shall establish objective criteria to be used in 2221
determining approval of community schools under this section and 2222
shall make the criteria available to community schools requesting 2223
approval under this section. 2224

(6) A governing authority, person, group, or entity whose 2225
request under division (E)(1) or (2) of this section is denied may 2226
appeal to the department of education to review the alliance's 2227
decision. The department, using only the criteria established 2228
under division (E)(5) of this section, may affirm or reverse the 2229
alliance's decision. If the department reverses the alliance's 2230
decision, the governing authority may enter into a contract under 2231
section 3314.03 of the Revised Code, or the person, group, or 2232
entity may apply for authorization under section 3314.029 of the 2233
Revised Code. 2234

(F) Directors, officers, and employees of an alliance are not 2235
public employees or public officials, are not subject to Chapters 2236
124., 145., and 4117. of the Revised Code, and are not "public 2237
officials" or "public servants" as defined in section 2921.01 of 2238
the Revised Code. Membership on the board of directors of an 2239
alliance does not constitute the holding of an incompatible public 2240
office or employment in violation of any statutory or common law 2241
prohibition against the simultaneous holding of more than one 2242
public office or employment. Members of the board of directors of 2243

an alliance are not disqualified from holding any public office by 2244
reason of that membership, and do not forfeit by reason of that 2245
membership the public office or employment held when appointed to 2246
the board, notwithstanding any contrary disqualification or 2247
forfeiture requirement under the Revised Code or the common law of 2248
this state. 2249

Sec. 3313.41. (A) Except as provided in divisions (C), (D), 2250
(F), and (G) of this section or section 3313.412 of the Revised 2251
Code, when a board of education decides to dispose of real or 2252
personal property that it owns in its corporate capacity and that 2253
exceeds in value ten thousand dollars, it shall sell the property 2254
at public auction, after giving at least thirty days' notice of 2255
the auction by publication in a newspaper of general circulation 2256
in the school district, by publication as provided in section 7.16 2257
of the Revised Code, or by posting notices in five of the most 2258
public places in the school district in which the property, if it 2259
is real property, is situated, or, if it is personal property, in 2260
the school district of the board of education that owns the 2261
property. The board may offer real property for sale as an entire 2262
tract or in parcels. 2263

(B) When the board of education has offered real or personal 2264
property for sale at public auction at least once pursuant to 2265
division (A) of this section, and the property has not been sold, 2266
the board may sell it at a private sale. Regardless of how it was 2267
offered at public auction, at a private sale, the board shall, as 2268
it considers best, sell real property as an entire tract or in 2269
parcels, and personal property in a single lot or in several lots. 2270

(C) If a board of education decides to dispose of real or 2271
personal property that it owns in its corporate capacity and that 2272
exceeds in value ten thousand dollars, it may sell the property to 2273
the adjutant general; to any subdivision or taxing authority as 2274

respectively defined in divisions (A) and (C) of section 5705.01 2275
of the Revised Code, township park district, board of park 2276
commissioners established under Chapter 755. of the Revised Code, 2277
or park district established under Chapter 1545. of the Revised 2278
Code; to a wholly or partially tax-supported university, 2279
university branch, or college; or to the board of trustees of a 2280
school district library, upon such terms as are agreed upon. The 2281
sale of real or personal property to the board of trustees of a 2282
school district library is limited, in the case of real property, 2283
to a school district library within whose boundaries the real 2284
property is situated, or, in the case of personal property, to a 2285
school district library whose boundaries lie in whole or in part 2286
within the school district of the selling board of education. 2287

(D) When a board of education decides to trade as a part or 2288
an entire consideration, an item of personal property on the 2289
purchase price of an item of similar personal property, it may 2290
trade the same upon such terms as are agreed upon by the parties 2291
to the trade. 2292

(E) The president and the treasurer of the board of education 2293
shall execute and deliver deeds or other necessary instruments of 2294
conveyance to complete any sale or trade under this section. 2295

(F) When a board of education has identified a parcel of real 2296
property that it determines is needed for school purposes, the 2297
board may, upon a majority vote of the members of the board, 2298
acquire that property by exchanging real property that the board 2299
owns in its corporate capacity for the identified real property or 2300
by using real property that the board owns in its corporate 2301
capacity as part or an entire consideration for the purchase price 2302
of the identified real property. Any exchange or acquisition made 2303
pursuant to this division shall be made by a conveyance executed 2304
by the president and the treasurer of the board. 2305

(G) ~~When~~ This division does not apply to a municipal school 2306

district to which section 3313.412 of the Revised Code applies. 2307

When a school district board of education decides to dispose 2308
of real property, prior to disposing of that property under 2309
divisions (A) to (F) of this section, it shall first offer that 2310
property for sale to the governing authorities of the start-up 2311
community schools established under Chapter 3314. of the Revised 2312
Code located within the territory of the school district, at a 2313
price that is not higher than the appraised fair market value of 2314
that property. If more than one community school governing 2315
authority accepts the offer made by the school district board, the 2316
board shall sell the property to the governing authority that 2317
accepted the offer first in time. If no community school governing 2318
authority accepts the offer within sixty days after the offer is 2319
made by the school district board, the board may dispose of the 2320
property in the applicable manner prescribed under divisions (A) 2321
to (F) of this section. 2322

(H) When a school district board of education has property 2323
that the board, by resolution, finds is not needed for school 2324
district use, is obsolete, or is unfit for the use for which it 2325
was acquired, the board may donate that property in accordance 2326
with this division if the fair market value of the property is, in 2327
the opinion of the board, two thousand five hundred dollars or 2328
less. 2329

The property may be donated to an eligible nonprofit 2330
organization that is located in this state and is exempt from 2331
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 2332
Before donating any property under this division, the board shall 2333
adopt a resolution expressing its intent to make unneeded, 2334
obsolete, or unfit-for-use school district property available to 2335
these organizations. The resolution shall include guidelines and 2336
procedures the board considers to be necessary to implement the 2337
donation program and shall indicate whether the school district 2338

will conduct the donation program or the board will contract with 2339
a representative to conduct it. If a representative is known when 2340
the resolution is adopted, the resolution shall provide contact 2341
information such as the representative's name, address, and 2342
telephone number. 2343

The resolution shall include within its procedures a 2344
requirement that any nonprofit organization desiring to obtain 2345
donated property under this division shall submit a written notice 2346
to the board or its representative. The written notice shall 2347
include evidence that the organization is a nonprofit organization 2348
that is located in this state and is exempt from federal income 2349
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 2350
the organization's primary purpose; a description of the type or 2351
types of property the organization needs; and the name, address, 2352
and telephone number of a person designated by the organization's 2353
governing board to receive donated property and to serve as its 2354
agent. 2355

After adoption of the resolution, the board shall publish, in 2356
a newspaper of general circulation in the school district or as 2357
provided in section 7.16 of the Revised Code, notice of its intent 2358
to donate unneeded, obsolete, or unfit-for-use school district 2359
property to eligible nonprofit organizations. The notice shall 2360
include a summary of the information provided in the resolution 2361
and shall be published twice. The second notice shall be published 2362
not less than ten nor more than twenty days after the previous 2363
notice. A similar notice also shall be posted continually in the 2364
board's office. If the school district maintains a web site on the 2365
internet, the notice shall be posted continually at that web site. 2366

The board or its representatives shall maintain a list of all 2367
nonprofit organizations that notify the board or its 2368
representative of their desire to obtain donated property under 2369
this division and that the board or its representative determines 2370

to be eligible, in accordance with the requirements set forth in 2371
this section and in the donation program's guidelines and 2372
procedures, to receive donated property. 2373

The board or its representative also shall maintain a list of 2374
all school district property the board finds to be unneeded, 2375
obsolete, or unfit for use and to be available for donation under 2376
this division. The list shall be posted continually in a 2377
conspicuous location in the board's office, and, if the school 2378
district maintains a web site on the internet, the list shall be 2379
posted continually at that web site. An item of property on the 2380
list shall be donated to the eligible nonprofit organization that 2381
first declares to the board or its representative its desire to 2382
obtain the item unless the board previously has established, by 2383
resolution, a list of eligible nonprofit organizations that shall 2384
be given priority with respect to the item's donation. Priority 2385
may be given on the basis that the purposes of a nonprofit 2386
organization have a direct relationship to specific school 2387
district purposes of programs provided or administered by the 2388
board. A resolution giving priority to certain nonprofit 2389
organizations with respect to the donation of an item of property 2390
shall specify the reasons why the organizations are given that 2391
priority. 2392

Members of the board shall consult with the Ohio ethics 2393
commission, and comply with Chapters 102. and 2921. of the Revised 2394
Code, with respect to any donation under this division to a 2395
nonprofit organization of which a board member, any member of a 2396
board member's family, or any business associate of a board member 2397
is a trustee, officer, board member, or employee. 2398

Sec. 3313.411. ~~(A)~~ This section does not apply to a municipal 2399
school district to which section 3313.412 of the Revised Code 2400
applies. 2401

(A) As used in this section, "unused school facilities" means 2402
any real property that has been used by a school district for 2403
school operations, including, but not limited to, academic 2404
instruction or administration, since July 1, 1998, but has not 2405
been used in that capacity for two years. 2406

(B) On and after ~~the effective date of this section~~ June 30, 2407
2011, any school district board of education shall offer any 2408
unused school facilities it owns in its corporate capacity for 2409
lease or sale to the governing authorities of community schools 2410
established under Chapter 3314. of the Revised Code that are 2411
located within the territory of the school district. 2412

(1) If, not later than sixty days after the district board 2413
makes the offer, the governing authority of one community school 2414
located within the territory of the school district notifies the 2415
district treasurer in writing of its intention to purchase the 2416
property, the district board shall sell the property to the 2417
community school for the appraised fair market value of the 2418
property. 2419

(2) If, not later than sixty days after the district board 2420
makes the offer, the governing authorities of two or more 2421
community schools located within the territory of the school 2422
district notify the district treasurer in writing of their 2423
intention to purchase the property, the board shall conduct a 2424
public auction in the manner required for auctions of district 2425
property under division (A) of section 3313.41 of the Revised 2426
Code. Only the governing authorities of all community schools 2427
located within the territory of the school district are eligible 2428
to bid at the auction. The district board is not obligated to 2429
accept any bid for the property that is lower than the appraised 2430
fair market value of the property. 2431

(3) If the governing authorities of two or more community 2432
schools located within the territory of the school district notify 2433

the district treasurer in writing of their intention to lease the 2434
property, the district board shall conduct a lottery to select the 2435
community school to which the district board shall lease the 2436
property. 2437

(4) The lease price offered by a district board to the 2438
governing authority of a community school under this section shall 2439
not be higher than the fair market value for such a leasehold. 2440

(5) If no community school governing authority accepts the 2441
offer to lease or buy the property within sixty days after the 2442
offer is made, the district board may offer the property to any 2443
other entity in accordance with divisions (A) to (F) of section 2444
3313.41 of the Revised Code. 2445

(C) Notwithstanding division (B) of this section, a school 2446
district board may renew any agreement it originally entered into 2447
prior to ~~the effective date of this section~~ June 30, 2011, to 2448
lease real property to an entity other than a community school. 2449
Nothing in this section shall affect the leasehold arrangements 2450
between the district board and that other entity. 2451

Sec. 3313.412. This section applies only to a municipal 2452
school district that has at least one partnering community school. 2453

(A) As used in this section: 2454

(1) "Municipal school district" has the same meaning as in 2455
section 3311.71 of the Revised Code. 2456

(2) "Partnering community school" means a community school 2457
established under Chapter 3314. of the Revised Code that is 2458
located within the territory of a municipal school district and is 2459
sponsored by the district, receives services from the district, 2460
leases a building from the district, or is a party to an agreement 2461
with the district whereby the district and the community school 2462
endorse each other's programs. 2463

(3) "Unused academic facilities" means real property that the board of education of a municipal school district owns in its corporate capacity and that has been but is no longer being used by the district for academic instruction.

(B) Except as provided in division (D) of this section, prior to disposing of unused academic facilities under division (C) of this section or section 3313.41 of the Revised Code, the board of education of a municipal school district to which this section applies shall offer that property for sale or lease, as determined by the district board, to its partnering community schools at a price that is not higher than the appraised fair market value of the property or, if the district board offers the property for lease, the fair market value for such a leasehold. If more than one partnering community school submits a responsive acceptance of the district's offer, the district board shall sell or lease the property to the partnering community school that has the highest current performing index score as reported under sections 3302.03 and 3314.012 of the Revised Code. If no partnering community school submits a responsive acceptance of the offer within ten business days after the offer is made, the property may be sold or leased under division (C) of this section or sold under section 3313.41 of the Revised Code. The district board shall establish terms, conditions, and procedures for offers made under this section and may delegate to any district officer the authority to determine if acceptances submitted by partnering community schools are responsive to offers made by the board.

(C) The board of education of a municipal school district to which this section applies may sell or lease real property it owns in its corporate capacity, upon such terms as are agreed upon, to any of the entities listed in division (C) of section 3313.41 of the Revised Code and to any community school located within the territory of the school district or a nonpublic school that is

chartered pursuant to section 3301.16 of the Revised Code. 2496

(D) The board of education of a municipal school district to 2497
which this section applies may sell or lease any real property it 2498
owns in its corporate capacity to any individual or entity at the 2499
written request of the mayor or legislative authority of the 2500
municipal corporation within the territory of which all or a 2501
portion of the real property is situated. The terms of the sale or 2502
lease of the property shall be specified in the request of the 2503
mayor or legislative authority. The request also shall include a 2504
determination that the sale or lease of the property is in 2505
furtherance of a public purpose of the municipal corporation. 2506

(E) The chairperson of the district board and the chief 2507
financial officer of the district shall execute and deliver deeds, 2508
leases, or other necessary instruments of conveyance to complete 2509
any sale or lease made under this section. 2510

(F) The district board shall maintain a written inventory of 2511
its unused academic facilities and its plans for reutilization or 2512
disposition of those facilities and shall update that inventory at 2513
least annually. 2514

(G) Notwithstanding division (F) of section 5705.10 of the 2515
Revised Code, if a school district board sells real property that 2516
it owns in its corporate capacity, moneys received from the sale 2517
may be paid into the general fund of the district, as long as the 2518
district has owned the real property for at least five years and 2519
the real property and any improvements to that real property were 2520
not acquired with the proceeds of public obligations, as defined 2521
in section 133.01 of the Revised Code, of the district that are 2522
outstanding at the time of the sale. 2523

Sec. 3313.975. As used in this section and in sections 2524
~~3313.975~~ 3313.976 to 3313.979 of the Revised Code, "the pilot 2525
project school district" or "the district" means any school 2526

district included in the pilot project scholarship program 2527
pursuant to this section. 2528

(A) The superintendent of public instruction shall establish 2529
a pilot project scholarship program and shall include in such 2530
program any school districts that are or have ever been under 2531
federal court order requiring supervision and operational 2532
management of the district by the state superintendent. The 2533
program shall provide for a number of students residing in any 2534
such district to receive scholarships to attend alternative 2535
schools, and for an equal number of students to receive tutorial 2536
assistance grants while attending public school in any such 2537
district. 2538

(B) The state superintendent shall establish an application 2539
process and deadline for accepting applications from students 2540
residing in the district to participate in the scholarship 2541
program. In the initial year of the program students may only use 2542
a scholarship to attend school in grades kindergarten through 2543
third. 2544

The state superintendent shall award as many scholarships and 2545
tutorial assistance grants as can be funded given the amount 2546
appropriated for the program. In no case, however, shall more than 2547
fifty per cent of all scholarships awarded be used by students who 2548
were enrolled in a nonpublic school during the school year of 2549
application for a scholarship. 2550

(C)(1) The pilot project program shall continue in effect 2551
each year that the general assembly has appropriated sufficient 2552
money to fund scholarships and tutorial assistance grants. In each 2553
year the program continues, new students may receive scholarships 2554
in grades kindergarten to twelve. A student who has received a 2555
scholarship may continue to receive one until the student has 2556
completed grade twelve. 2557

(2) If the general assembly discontinues the scholarship program, all students who are attending an alternative school under the pilot project shall be entitled to continued admittance to that specific school through all grades that are provided in such school, under the same conditions as when they were participating in the pilot project. The state superintendent shall continue to make scholarship payments in accordance with division (A) or (B) of section 3313.979 of the Revised Code for students who remain enrolled in an alternative school under this provision in any year that funds have been appropriated for this purpose.

If funds are not appropriated, the tuition charged to the parents of a student who remains enrolled in an alternative school under this provision shall not be increased beyond the amount equal to the amount of the scholarship plus any additional amount charged that student's parent in the most recent year of attendance as a participant in the pilot project, except that tuition for all the students enrolled in such school may be increased by the same percentage.

(D) Notwithstanding sections 124.39, 3307.54, and ~~3319.17~~ 3311.83 of the Revised Code, if the pilot project school district experiences a decrease in enrollment due to participation in a state-sponsored scholarship program pursuant to sections 3313.974 to 3313.979 of the Revised Code, the district board of education may enter into an agreement with any teacher it employs to provide to that teacher severance pay or early retirement incentives, or both, if the teacher agrees to terminate the employment contract with the district board, provided any collective bargaining agreement in force pursuant to Chapter 4117. of the Revised Code does not prohibit such an agreement for termination of a teacher's employment contract.

Sec. 3314.012. (A) Within ninety days of September 28, 1999,

the superintendent of public instruction shall appoint 2589
representatives of the department of education, including 2590
employees who work with the education management information 2591
system, to a committee to develop report card models for community 2592
schools. The committee shall design model report cards appropriate 2593
for the various types of community schools approved to operate in 2594
the state. Sufficient models shall be developed to reflect the 2595
variety of grade levels served and the missions of the state's 2596
community schools. All models shall include both financial and 2597
academic data. The initial models shall be developed by March 31, 2598
2000. 2599

(B) The department of education shall issue an annual report 2600
card for each community school, regardless of how long the school 2601
has been in operation. The report card shall report the academic 2602
and financial performance of the school utilizing one of the 2603
models developed under division (A) of this section. The report 2604
card shall include all information applicable to school buildings 2605
under division (A) of section 3302.03 of the Revised Code. The 2606
ratings a community school receives under section 3302.03 of the 2607
Revised Code for its first two full school years shall not be 2608
considered toward automatic closure of the school under section 2609
3314.35 or 3314.351 of the Revised Code or any other matter that 2610
is based on report card ratings. 2611

(C) Upon receipt of a copy of a contract between a sponsor 2612
and a community school entered into under this chapter, the 2613
department of education shall notify the community school of the 2614
specific model report card that will be used for that school. 2615

(D) Report cards shall be distributed to the parents of all 2616
students in the community school, to the members of the board of 2617
education of the school district in which the community school is 2618
located, and to any person who requests one from the department. 2619

Sec. 3314.016. This section applies to any entity that 2620
sponsors a community school, regardless of whether section 2621
3314.021 or 3314.027 of the Revised Code exempts the entity from 2622
the requirement to be approved for sponsorship under divisions 2623
(A)(2) and (B)(1) of section 3314.015 of the Revised Code. 2624

(A) An entity that sponsors a community school shall be 2625
permitted to enter into contracts under section 3314.03 of the 2626
Revised Code to sponsor additional community schools only if the 2627
entity meets both of the following criteria: 2628

(1) The entity is in compliance with all provisions of this 2629
chapter requiring sponsors of community schools to report data or 2630
information to the department of education. 2631

(2) The entity is not ranked in the lowest twenty per cent of 2632
community school sponsors on the ranking prescribed by division 2633
(B) of this section. 2634

(B) For purposes of this section, the department shall 2635
develop a composite performance index score, as defined in section 2636
3302.01 of the Revised Code, that measures the academic 2637
performance of students enrolled in community schools sponsored by 2638
the same entity. In calculating the composite performance index 2639
score, the department shall exclude all community schools 2640
described in division ~~(A)(3)(2)~~ of section 3314.35 and in division 2641
(A)(2) of section 3314.351 of the Revised Code, but the department 2642
shall cease to exclude those schools beginning January 1, 2013, if 2643
the general assembly does not enact by that date separate 2644
performance standards for community schools that operate dropout 2645
prevention and recovery programs and for community schools that 2646
serve students with disabilities. The department annually shall 2647
rank all entities that sponsor community schools from highest to 2648
lowest according to the entities' composite performance index 2649
scores. 2650

(C) If the governing authority of a community school enters 2651
into a contract with a sponsor prior to the date on which the 2652
sponsor is prohibited from sponsoring additional schools under 2653
division (A) of this section and the school has not opened for 2654
operation as of that date, that contract shall be void and the 2655
school shall not open until the governing authority secures a new 2656
sponsor by entering into a contract with the new sponsor under 2657
section 3314.03 of the Revised Code. 2658

Sec. 3314.10. (A)(1) The governing authority of any community 2659
school established under this chapter may employ teachers and 2660
nonteaching employees necessary to carry out its mission and 2661
fulfill its contract. 2662

(2) Except as provided under division (A)(3) of this section, 2663
employees hired under this section may organize and collectively 2664
bargain pursuant to Chapter 4117. of the Revised Code. 2665
Notwithstanding division (D)(1) of section 4117.06 of the Revised 2666
Code, a unit containing teaching and nonteaching employees 2667
employed under this section shall be considered an appropriate 2668
unit. As applicable, employment under this section is subject to 2669
either Chapter 3307. or 3309. of the Revised Code. 2670

(3) If a school is created by converting all or part of an 2671
existing public school rather than by establishment of a new 2672
start-up school, at the time of conversion, the employees of the 2673
community school shall remain part of any collective bargaining 2674
unit in which they were included immediately prior to the 2675
conversion and shall remain subject to any collective bargaining 2676
agreement for that unit in effect on the first day of July of the 2677
year in which the community school initially begins operation and 2678
shall be subject to any subsequent collective bargaining agreement 2679
for that unit, unless a petition is certified as sufficient under 2680
division (A)(6) of this section with regard to those employees. 2681

Any new employees of the community school shall also be included 2682
in the unit to which they would have been assigned had not the 2683
conversion taken place and shall be subject to the collective 2684
bargaining agreement for that unit unless a petition is certified 2685
as sufficient under division (A)(6) of this section with regard to 2686
those employees. 2687

Notwithstanding division (B) of section 4117.01 of the 2688
Revised Code, the board of education of a school district and not 2689
the governing authority of a community school shall be regarded, 2690
for purposes of Chapter 4117. of the Revised Code, as the "public 2691
employer" of the employees of a conversion community school 2692
subject to a collective bargaining agreement pursuant to division 2693
(A)(3) of this section unless a petition is certified under 2694
division (A)(6) of this section with regard to those employees. 2695
Only on and after the effective date of a petition certified as 2696
sufficient under division (A)(6) of this section shall division 2697
(A)(2) of this section apply to those employees of that community 2698
school and only on and after the effective date of that petition 2699
shall Chapter 4117. of the Revised Code apply to the governing 2700
authority of that community school with regard to those employees. 2701

(4) Notwithstanding sections 4117.03 to 4117.18 of the 2702
Revised Code and Section 4 of Amended Substitute Senate Bill No. 2703
133 of the 115th general assembly, the employees of a conversion 2704
community school who are subject to a collective bargaining 2705
agreement pursuant to division (A)(3) of this section shall cease 2706
to be subject to that agreement and all subsequent agreements 2707
pursuant to that division and shall cease to be part of the 2708
collective bargaining unit that is subject to that and all 2709
subsequent agreements, if a majority of the employees of that 2710
community school who are subject to that collective bargaining 2711
agreement sign and submit to the state employment relations board 2712
a petition requesting all of the following: 2713

(a) That all the employees of the community school who are 2714
subject to that agreement be removed from the bargaining unit that 2715
is subject to that agreement and be designated by the state 2716
employment relations board as a new and separate bargaining unit 2717
for purposes of Chapter 4117. of the Revised Code; 2718

(b) That the employee organization certified as the exclusive 2719
representative of the employees of the bargaining unit from which 2720
the employees are to be removed be certified as the exclusive 2721
representative of the new and separate bargaining unit for 2722
purposes of Chapter 4117. of the Revised Code; 2723

(c) That the governing authority of the community school be 2724
regarded as the "public employer" of these employees for purposes 2725
of Chapter 4117. of the Revised Code. 2726

(5) Notwithstanding sections 4117.03 to 4117.18 of the 2727
Revised Code and Section 4 of Amended Substitute Senate Bill No. 2728
133 of the 115th general assembly, the employees of a conversion 2729
community school who are subject to a collective bargaining 2730
agreement pursuant to division (A)(3) of this section shall cease 2731
to be subject to that agreement and all subsequent agreements 2732
pursuant to that division, shall cease to be part of the 2733
collective bargaining unit that is subject to that and all 2734
subsequent agreements, and shall cease to be represented by any 2735
exclusive representative of that collective bargaining unit, if a 2736
majority of the employees of the community school who are subject 2737
to that collective bargaining agreement sign and submit to the 2738
state employment relations board a petition requesting all of the 2739
following: 2740

(a) That all the employees of the community school who are 2741
subject to that agreement be removed from the bargaining unit that 2742
is subject to that agreement; 2743

(b) That any employee organization certified as the exclusive 2744

representative of the employees of that bargaining unit be 2745
decertified as the exclusive representative of the employees of 2746
the community school who are subject to that agreement; 2747

(c) That the governing authority of the community school be 2748
regarded as the "public employer" of these employees for purposes 2749
of Chapter 4117. of the Revised Code. 2750

(6) Upon receipt of a petition under division (A)(4) or (5) 2751
of this section, the state employment relations board shall check 2752
the sufficiency of the signatures on the petition. If the 2753
signatures are found sufficient, the board shall certify the 2754
sufficiency of the petition and so notify the parties involved, 2755
including the board of education, the governing authority of the 2756
community school, and any exclusive representative of the 2757
bargaining unit. The changes requested in a certified petition 2758
shall take effect on the first day of the month immediately 2759
following the date on which the sufficiency of the petition is 2760
certified under division (A)(6) of this section. 2761

(B)(1) The board of education of each city, local, and 2762
exempted village school district sponsoring a community school and 2763
the governing board of each educational service center in which a 2764
community school is located shall adopt a policy that provides a 2765
leave of absence of at least three years to each teacher or 2766
nonteaching employee of the district or service center who is 2767
employed by a conversion or new start-up community school 2768
sponsored by the district or located in the district or center for 2769
the period during which the teacher or employee is continuously 2770
employed by the community school. The policy shall also provide 2771
that any teacher or nonteaching employee may return to employment 2772
by the district or service center if the teacher or employee 2773
leaves or is discharged from employment with the community school 2774
for any reason, unless, in the case of a teacher, the board of the 2775
district or service center determines that the teacher was 2776

discharged for a reason for which the board would have sought to 2777
discharge the teacher under section 3311.82 or 3319.16 of the 2778
Revised Code, in which case the board may proceed to discharge the 2779
teacher utilizing the procedures of that section. Upon termination 2780
of such a leave of absence, any seniority that is applicable to 2781
the person shall be calculated to include all of the following: 2782
all employment by the district or service center prior to the 2783
leave of absence; all employment by the community school during 2784
the leave of absence; and all employment by the district or 2785
service center after the leave of absence. The policy shall also 2786
provide that if any teacher holding valid certification returns to 2787
employment by the district or service center upon termination of 2788
such a leave of absence, the teacher shall be restored to the 2789
previous position and salary or to a position and salary similar 2790
thereto. If, as a result of teachers returning to employment upon 2791
termination of such leaves of absence, a school district or 2792
educational service center reduces the number of teachers it 2793
employs, it shall make such reductions in accordance with section 2794
3319.171 of the Revised Code. 2795

Unless a collective bargaining agreement providing otherwise 2796
is in effect for an employee of a conversion community school 2797
pursuant to division (A)(3) of this section, an employee on a 2798
leave of absence pursuant to this division shall remain eligible 2799
for any benefits that are in addition to benefits under Chapter 2800
3307. or 3309. of the Revised Code provided by the district or 2801
service center to its employees provided the employee pays the 2802
entire cost associated with such benefits, except that personal 2803
leave and vacation leave cannot be accrued for use as an employee 2804
of a school district or service center while in the employ of a 2805
community school unless the district or service center board 2806
adopts a policy expressly permitting this accrual. 2807

(2) While on a leave of absence pursuant to division (B)(1) 2808

of this section, a conversion community school shall permit a 2809
teacher to use sick leave accrued while in the employ of the 2810
school district from which the leave of absence was taken and 2811
prior to commencing such leave. If a teacher who is on such a 2812
leave of absence uses sick leave so accrued, the cost of any 2813
salary paid by the community school to the teacher for that time 2814
shall be reported to the department of education. The cost of 2815
employing a substitute teacher for that time shall be paid by the 2816
community school. The department of education shall add amounts to 2817
the payments made to a community school under this chapter as 2818
necessary to cover the cost of salary reported by a community 2819
school as paid to a teacher using sick leave so accrued pursuant 2820
to this section. The department shall subtract the amounts of any 2821
payments made to community schools under this division from 2822
payments made to such sponsoring school district under Chapter 2823
3317. of the Revised Code. 2824

A school district providing a leave of absence and employee 2825
benefits to a person pursuant to this division is not liable for 2826
any action of that person while the person is on such leave and 2827
employed by a community school. 2828

Sec. 3314.35. (A)(1) ~~Except as provided in division (A)(3) of~~ 2829
~~this section, this section applies to any community school that~~ 2830
~~meets one of the following criteria after July 1, 2009, but before~~ 2831
~~July 1, 2011:~~ 2832

~~(a) The school does not offer a grade level higher than three~~ 2833
~~and has been declared to be in a state of academic emergency under~~ 2834
~~section 3302.03 of the Revised Code for three of the four most~~ 2835
~~recent school years.~~ 2836

~~(b) The school satisfies all of the following conditions:~~ 2837

~~(i) The school offers any of grade levels four to eight but~~ 2838
~~does not offer a grade level higher than nine.~~ 2839

~~(ii) The school has been declared to be in a state of
academic emergency under section 3302.03 of the Revised Code for
two of the three most recent school years.~~

~~(iii) In at least two of the three most recent school years,
the school showed less than one standard year of academic growth
in either reading or mathematics, as determined by the department
of education in accordance with rules adopted under division (A)
of section 3302.021 of the Revised Code.~~

~~(c) The school offers any of grade levels ten to twelve and
has been declared to be in a state of academic emergency under
section 3302.03 of the Revised Code for three of the four most
recent school years.~~

~~(2) Except as provided in division (A)(3)(2) of this section,
this section applies to any community school that is not located
within the territory of a municipal school district, as defined in
section 3311.71 of the Revised Code, and that meets one of the
following criteria after July 1, 2011:~~

~~(a) The school does not offer a grade level higher than three
and has been declared to be in a state of academic emergency under
section 3302.03 of the Revised Code for two of the three most
recent school years.~~

~~(b) The school satisfies all of the following conditions:~~

~~(i) The school offers any of grade levels four to eight but
does not offer a grade level higher than nine.~~

~~(ii) The school has been declared to be in a state of
academic emergency under section 3302.03 of the Revised Code for
two of the three most recent school years.~~

~~(iii) In at least two of the three most recent school years,
the school showed less than one standard year of academic growth
in either reading or mathematics, as determined by the department~~

of education in accordance with rules adopted under division (A) 2870
of section 3302.021 of the Revised Code. 2871

(c) The school offers any of grade levels ten to twelve and 2872
has been declared to be in a state of academic emergency under 2873
section 3302.03 of the Revised Code for two of the three most 2874
recent school years. 2875

~~(3)~~(2) This section does not apply to either of the 2876
following: 2877

(a) Any community school in which a majority of the students 2878
are enrolled in a dropout prevention and recovery program that is 2879
operated by the school and that has been granted a waiver under 2880
section 3314.36 of the Revised Code; 2881

(b) Any community school in which a majority of the enrolled 2882
students are children with disabilities receiving special 2883
education and related services in accordance with Chapter 3323. of 2884
the Revised Code. 2885

(B) Any community school to which this section applies shall 2886
permanently close at the conclusion of the school year in which 2887
the school first becomes subject to this section. The sponsor and 2888
governing authority of the school shall comply with all procedures 2889
for closing a community school adopted by the department under 2890
division (E) of section 3314.015 of the Revised Code. The 2891
governing authority of the school shall not enter into a contract 2892
with any other sponsor under section 3314.03 of the Revised Code 2893
after the school closes. 2894

(C) In accordance with division (B) of section 3314.012 of 2895
the Revised Code, the department shall not consider the 2896
performance ratings assigned to a community school for its first 2897
two years of operation when determining whether the school meets 2898
the criteria prescribed by division (A)(1) ~~or (2)~~ of this section. 2899

Sec. 3314.351. (A)(1) Except as provided in division (A)(2) 2900
of this section, this section applies to any community school that 2901
is located within the territory of a municipal school district, as 2902
defined in section 3311.71 of the Revised Code, and that meets one 2903
of the following criteria after July 1, 2011: 2904

(a) The school does not offer a grade level higher than three 2905
and has been declared to be in a state of academic emergency under 2906
section 3302.03 of the Revised Code for two of the three most 2907
recent school years. 2908

(b) The school satisfies all of the following conditions: 2909

(i) The school offers any of grade levels four to eight but 2910
does not offer a grade level higher than nine. 2911

(ii) The school has been declared to be in a state of 2912
academic emergency under section 3302.03 of the Revised Code for 2913
two of the three most recent school years. 2914

(iii) In at least two of the three most recent school years, 2915
the school showed less than one standard year of academic growth 2916
in either reading or mathematics, as determined by the department 2917
of education in accordance with rules adopted under division (A) 2918
of section 3302.021 of the Revised Code. 2919

(c) The school offers any of grade levels ten to twelve and 2920
has been declared to be in a state of academic emergency under 2921
section 3302.03 of the Revised Code for two of the three most 2922
recent school years. 2923

(2) This section does not apply to either of the following: 2924

(a) Any community school in which a majority of the students 2925
are enrolled in a dropout prevention and recovery program that is 2926
operated by the school and that has been granted a waiver under 2927
section 3314.36 of the Revised Code; 2928

(b) Any community school in which a majority of the enrolled 2929

students are children with disabilities receiving special 2930
education and related services in accordance with Chapter 3323. of 2931
the Revised Code. 2932

(B) Any community school to which this section applies shall 2933
permanently close at the conclusion of the school year in which 2934
the school first becomes subject to this section. The sponsor and 2935
governing authority of the school shall comply with all procedures 2936
for closing a community school adopted by the department under 2937
division (E) of section 3314.015 of the Revised Code. The 2938
governing authority of the school shall not enter into a contract 2939
with any other sponsor under section 3314.03 of the Revised Code 2940
after the school closes. 2941

(C) In accordance with division (B) of section 3314.012 of 2942
the Revised Code, the department shall not consider the 2943
performance ratings assigned to a community school for its first 2944
two years of operation when determining whether the school meets 2945
the criteria prescribed by division (A)(1) of this section. 2946

(D) When the department determines that a school is at risk 2947
of meeting the criteria prescribed by division (A)(1) of this 2948
section in the next school year based on the school's report card 2949
issued in the current school year under section 3302.03 of the 2950
Revised Code, the department shall notify the school of that risk 2951
not later than the thirtieth day of September of the current 2952
school year. Not later than the following fifteenth day of 2953
October, the school shall send to the parent of each student 2954
enrolled in the school, or the student if at least eighteen years 2955
old and no guardian or custodian has been appointed for the 2956
student, a copy of the department's notice and a description of 2957
the steps the school will take to address its academic 2958
performance. If, based on student scores on the assessments 2959
required by divisions (A) and (B)(1) of section 3301.0710 of the 2960
Revised Code administered during the next spring as reported to 2961

the school, the school determines that it is likely the school 2962
will meet the criteria prescribed by division (A)(1) of this 2963
section when the department issues the school's next report card, 2964
the school shall notify each parent and student, as notified 2965
earlier, of that fact not later than the thirtieth day of June. 2966

(E) Any community school located within the territory of a 2967
municipal school district that fails to comply with the 2968
requirements of this section shall not be eligible to receive 2969
state funds. 2970

Sec. 3314.36. (A) ~~Section~~ Sections 3314.35 and 3314.351 of 2971
the Revised Code ~~does~~ do not apply to any community school in 2972
which a majority of the students are enrolled in a dropout 2973
prevention and recovery program that is operated by the school and 2974
that has been granted a waiver by the department of education. The 2975
department shall grant a waiver to a dropout prevention and 2976
recovery program, within sixty days after the program applies for 2977
the waiver, if the program meets all of the following conditions: 2978

(1) The program serves only students not younger than sixteen 2979
years of age and not older than twenty-one years of age. 2980

(2) The program enrolls students who, at the time of their 2981
initial enrollment, either, or both, are at least one grade level 2982
behind their cohort age groups or experience crises that 2983
significantly interfere with their academic progress such that 2984
they are prevented from continuing their traditional programs. 2985

(3) The program requires students to attain at least the 2986
applicable score designated for each of the assessments prescribed 2987
under division (B)(1) of section 3301.0710 of the Revised Code or, 2988
to the extent prescribed by rule of the state board of education 2989
under division (D)(6) of section 3301.0712 of the Revised Code, 2990
division (B)(2) of that section. 2991

(4) The program develops an individual career plan for the student that specifies the student's matriculating to a two-year degree program, acquiring a business and industry credential, or entering an apprenticeship.

(5) The program provides counseling and support for the student related to the plan developed under division (A)(4) of this section during the remainder of the student's high school experience.

(6) Prior to receiving the waiver, the program has submitted to the department an instructional plan that demonstrates how the academic content standards adopted by the state board of education under section 3301.079 of the Revised Code will be taught and assessed.

If the department does not act either to grant the waiver or to reject the program application for the waiver within sixty days as required under this section, the waiver shall be considered to be granted.

(B) Notwithstanding division (A) of this section, the department shall not grant a waiver to any community school that did not qualify for a waiver under this section when it initially began operations, unless the state board of education approves the waiver.

Sec. 3316.07. (A) A school district financial planning and supervision commission has the following powers, duties, and functions:

(1) To review or to assume responsibility for the development of all tax budgets, tax levy and bond and note resolutions, appropriation measures, and certificates of estimated resources of the school district in order to ensure that such are consistent with the financial recovery plan and a balanced appropriation

budget for the current fiscal year, and to request and review any supporting information upon which the financial recovery plan and balanced appropriation budget may be developed and based, and to determine whether revenue estimates and estimates of expenditures and appropriations will result in a balanced budget;

(2) To inspect and secure copies of any document, resolution, or instrument pertaining to the effective financial accounting and reporting system, debt obligations, debt limits, financial recovery plan, balanced appropriation budgets, appropriation measures, report of audit, statement or invoice, or other worksheet or record of the school district;

(3) To inspect and secure copies of any document, instrument, certification, records of proceedings, or other worksheet or records of the county budget commission, county auditor, or other official or employee of the school district or of any other political subdivision or agency of government of the state;

(4) To review, revise, and approve determinations and certifications affecting the school district made by the county budget commission or county auditor pursuant to Chapter 5705. of the Revised Code to ensure that such determinations and certifications are consistent with the laws of the state;

(5) To bring civil actions, including mandamus, to enforce this chapter;

(6) After consultation with the officials of the school district and the auditor of state, to implement or require implementation of any necessary or appropriate steps to bring the books of account, accounting systems, and financial procedures and reports of the school district into compliance with requirements prescribed by the auditor of state, and to assume responsibility for achieving such compliance and for making any desirable modifications and supplementary systems and procedures pertinent

to the school district; 3053

(7) To assist or provide assistance to the school district or 3054
to assume the total responsibility for the structuring or the 3055
terms of, and the placement for sale of, debt obligations of the 3056
school district; 3057

(8) To perform all other powers, duties, and functions as 3058
provided under this chapter; 3059

(9) To make and enter into all contracts and agreements 3060
necessary or incidental to the performance of its duties and the 3061
exercise of its powers under this chapter; 3062

(10) To consult with officials of the school district and 3063
make recommendations or assume the responsibility for implementing 3064
cost reductions and revenue increases to achieve balanced budgets 3065
and carry out the financial recovery plan in accordance with this 3066
chapter; 3067

(11) To make reductions in force to bring the school 3068
district's budget into balance, notwithstanding division (A) of 3069
section 3311.83, section 3319.081, and divisions (A) and (B) of 3070
section 3319.17 of the Revised Code, notwithstanding any provision 3071
of a policy adopted under section 3319.171 of the Revised Code, 3072
and notwithstanding any provision to the contrary in section 3073
4117.08 or 4117.10 of the Revised Code or in any collective 3074
bargaining agreement entered into on or after November 21, 1997. 3075

In making reductions in force, the commission shall first 3076
consider reasonable reductions among the administrative and 3077
~~non-teaching~~ nonteaching employees of the school district giving 3078
due regard to ensuring the district's ability to maintain the 3079
personnel, programs, and services essential to the provision of an 3080
adequate educational program. 3081

In making these reductions in ~~non-teaching~~ nonteaching 3082
employees in districts where Chapter 124. of the Revised Code 3083

controls such reductions, the reductions shall be made in 3084
accordance with sections 124.321 to 124.327 of the Revised Code. 3085
In making these reductions in ~~non-teaching~~ nonteaching employees 3086
in districts where Chapter 124. of the Revised Code does not 3087
control these reductions, within each category of ~~non-teaching~~ 3088
nonteaching employees, the commission shall give preference to 3089
those employees with continuing contracts or non-probationary 3090
status and who have greater seniority. 3091

If revenues and expenditures cannot be balanced by reasonable 3092
reductions in administrative and ~~non-teaching~~ nonteaching 3093
employees, the commission may also make reasonable reductions in 3094
the number of teaching contracts. If the commission finds it 3095
necessary to suspend teaching contracts, it shall suspend them in 3096
accordance with divisions (B) to (D) of section 3311.83 or 3097
division (C) of section 3319.17 of the Revised Code but shall 3098
consider a reduction in non-classroom teachers before classroom 3099
teachers. 3100

(B) During the fiscal emergency period, the commission shall, 3101
in addition to other powers: 3102

(1) With respect to the appropriation measure in effect at 3103
the commencement of the fiscal emergency period of the school 3104
district if that period commenced more than three months prior to 3105
the end of the current fiscal year, and otherwise with respect to 3106
the appropriation measure for the next fiscal year: 3107

(a) Review and determine the adequacy of all revenues to meet 3108
all expenditures for such fiscal year; 3109

(b) Review and determine the extent of any deficiency of 3110
revenues to meet such expenditures; 3111

(c) Require the school district board or superintendent to 3112
provide justification documents to substantiate, to the extent and 3113
in the manner considered necessary, any item of revenue or 3114

appropriation; 3115

(d) Not later than sixty days after taking office or after 3116
receiving the appropriation measure for the next fiscal year, 3117
issue a public report regarding its review pursuant to division 3118
(B)(1) of this section. 3119

(2) Require the school district board, by resolution, to 3120
establish monthly levels of expenditures and encumbrances 3121
consistent with the financial recovery plan and the commission's 3122
review pursuant to divisions (B)(1)(a) and (b) of this section, or 3123
establish such levels itself. If the commission permits the 3124
district board to make expenditures, the commission shall monitor 3125
the monthly levels of expenditures and encumbrances and require 3126
justification documents to substantiate any departure from any 3127
approved level. No district board shall make any expenditure apart 3128
from the approved level without the written approval of the 3129
commission. 3130

(C) In making any determination pursuant to division (B) of 3131
this section, the commission may rely on any information 3132
considered in its judgment reliable or material and shall not be 3133
restricted by any tax budget or certificate or any other document 3134
the school district may have adopted or received from any other 3135
governmental agency. 3136

(D) County, state, and school district officers or employees 3137
shall assist the commission diligently and promptly in the 3138
prosecution of its duties, including the furnishing of any 3139
materials, including justification documents, required. 3140

(E) Annually on or before the first day of April during the 3141
fiscal emergency period, the commission shall make reports and 3142
recommendations to the speaker of the house of representatives and 3143
the president of the senate concerning progress of the school 3144
district to eliminate fiscal emergency conditions, failures of the 3145

school district to comply with this chapter, and recommendations 3146
for further actions to attain the objectives of this chapter, 3147
including any legislative action needed to make provisions of law 3148
more effective for their purposes, or to enhance revenue raising 3149
or financing capabilities of school districts. The commission may 3150
make such interim reports as it considers appropriate for such 3151
purposes and shall make such additional reports as may be 3152
requested by either house of the general assembly. 3153

Sec. 3318.08. Except in the case of a joint vocational school 3154
district that receives assistance under sections 3318.40 to 3155
3318.45 of the Revised Code, if the requisite favorable vote on 3156
the election is obtained, or if the school district board has 3157
resolved to apply the proceeds of a property tax levy or the 3158
proceeds of an income tax, or a combination of proceeds from such 3159
taxes, as authorized in section 3318.052 of the Revised Code, the 3160
Ohio school facilities commission, upon certification to it of 3161
either the results of the election or the resolution under section 3162
3318.052 of the Revised Code, shall enter into a written agreement 3163
with the school district board for the construction and sale of 3164
the project. In the case of a joint vocational school district 3165
that receives assistance under sections 3318.40 to 3318.45 of the 3166
Revised Code, if the school district board of education and the 3167
school district electors have satisfied the conditions prescribed 3168
in division (D)(1) of section 3318.41 of the Revised Code, the 3169
commission shall enter into an agreement with the school district 3170
board for the construction and sale of the project. In either 3171
case, the agreement shall include, but need not be limited to, the 3172
following provisions: 3173

(A) The sale and issuance of bonds or notes in anticipation 3174
thereof, as soon as practicable after the execution of the 3175
agreement, in an amount equal to the school district's portion of 3176
the basic project cost, including any securities authorized under 3177

division (J) of section 133.06 of the Revised Code and dedicated 3178
by the school district board to payment of the district's portion 3179
of the basic project cost of the project; provided, that if at 3180
that time the county treasurer of each county in which the school 3181
district is located has not commenced the collection of taxes on 3182
the general duplicate of real and public utility property for the 3183
year in which the controlling board approved the project, the 3184
school district board shall authorize the issuance of a first 3185
installment of bond anticipation notes in an amount specified by 3186
the agreement, which amount shall not exceed an amount necessary 3187
to raise the net bonded indebtedness of the school district as of 3188
the date of the controlling board's approval to within five 3189
thousand dollars of the required level of indebtedness for the 3190
preceding year. In the event that a first installment of bond 3191
anticipation notes is issued, the school district board shall, as 3192
soon as practicable after the county treasurer of each county in 3193
which the school district is located has commenced the collection 3194
of taxes on the general duplicate of real and public utility 3195
property for the year in which the controlling board approved the 3196
project, authorize the issuance of a second and final installment 3197
of bond anticipation notes or a first and final issue of bonds. 3198

The combined value of the first and second installment of 3199
bond anticipation notes or the value of the first and final issue 3200
of bonds shall be equal to the school district's portion of the 3201
basic project cost. The proceeds of any such bonds shall be used 3202
first to retire any bond anticipation notes. Otherwise, the 3203
proceeds of such bonds and of any bond anticipation notes, except 3204
the premium and accrued interest thereon, shall be deposited in 3205
the school district's project construction fund. In determining 3206
the amount of net bonded indebtedness for the purpose of fixing 3207
the amount of an issue of either bonds or bond anticipation notes, 3208
gross indebtedness shall be reduced by moneys in the bond 3209
retirement fund only to the extent of the moneys therein on the 3210

first day of the year preceding the year in which the controlling board approved the project. Should there be a decrease in the tax valuation of the school district so that the amount of indebtedness that can be incurred on the tax duplicates for the year in which the controlling board approved the project is less than the amount of the first installment of bond anticipation notes, there shall be paid from the school district's project construction fund to the school district's bond retirement fund to be applied against such notes an amount sufficient to cause the net bonded indebtedness of the school district, as of the first day of the year following the year in which the controlling board approved the project, to be within five thousand dollars of the required level of indebtedness for the year in which the controlling board approved the project. The maximum amount of indebtedness to be incurred by any school district board as its share of the cost of the project is either an amount that will cause its net bonded indebtedness, as of the first day of the year following the year in which the controlling board approved the project, to be within five thousand dollars of the required level of indebtedness, or an amount equal to the required percentage of the basic project costs, whichever is greater. All bonds and bond anticipation notes shall be issued in accordance with Chapter 133. of the Revised Code, and notes may be renewed as provided in section 133.22 of the Revised Code.

(B) The transfer of such funds of the school district board available for the project, together with the proceeds of the sale of the bonds or notes, except premium, accrued interest, and interest included in the amount of the issue, to the school district's project construction fund;

(C) For all school districts except joint vocational school districts that receive assistance under sections 3318.40 to 3318.45 of the Revised Code, the following provisions as

applicable: 3243

(1) If section 3318.052 of the Revised Code applies, the 3244
earmarking of the proceeds of a tax levied under section 5705.21 3245
of the Revised Code for general permanent improvements or under 3246
section 5705.218 of the Revised Code for the purpose of permanent 3247
improvements, or the proceeds of a school district income tax 3248
levied under Chapter 5748. of the Revised Code, or the proceeds 3249
from a combination of those two taxes, in an amount to pay all or 3250
part of the service charges on bonds issued to pay the school 3251
district portion of the project and an amount equivalent to all or 3252
part of the tax required under division (B) of section 3318.05 of 3253
the Revised Code; 3254

(2) If section 3318.052 of the Revised Code does not apply, 3255
one of the following: 3256

(a) The levy of the tax authorized at the election for the 3257
payment of maintenance costs, as specified in division (B) of 3258
section 3318.05 of the Revised Code; 3259

(b) If the school district electors have approved a 3260
continuing tax for general permanent improvements under section 3261
5705.21 of the Revised Code and that tax can be used for 3262
maintenance, the earmarking of an amount of the proceeds from such 3263
tax for maintenance of classroom facilities as specified in 3264
division (B) of section 3318.05 of the Revised Code; 3265

(c) If, in lieu of the tax otherwise required under division 3266
(B) of section 3318.05 of the Revised Code, the commission has 3267
approved the transfer of money to the maintenance fund in 3268
accordance with section 3318.051 of the Revised Code, a 3269
requirement that the district board comply with the provisions 3270
that section. The district board may rescind the provision 3271
prescribed under division (C)(2)(c) of this section only so long 3272
as the electors of the district have approved, in accordance with 3273

section 3318.063 of the Revised Code, the levy of a tax for the 3274
maintenance of the classroom facilities acquired under the 3275
district's project and that levy continues to be collected as 3276
approved by the electors. 3277

(D) For joint vocational school districts that receive 3278
assistance under sections 3318.40 to 3318.45 of the Revised Code, 3279
provision for deposit of school district moneys dedicated to 3280
maintenance of the classroom facilities acquired under those 3281
sections as prescribed in section 3318.43 of the Revised Code; 3282

(E) Dedication of any local donated contribution as provided 3283
for under section 3318.084 of the Revised Code, including a 3284
schedule for depositing such moneys applied as an offset of the 3285
district's obligation to levy the tax described in division (B) of 3286
section 3318.05 of the Revised Code as required under division 3287
(D)(2) of section 3318.084 of the Revised Code; 3288

(F) Ownership of or interest in the project during the period 3289
of construction, which shall be divided between the commission and 3290
the school district board in proportion to their respective 3291
contributions to the school district's project construction fund; 3292

(G) Maintenance of the state's interest in the project until 3293
any obligations issued for the project under section 3318.26 of 3294
the Revised Code are no longer outstanding; 3295

(H) The insurance of the project by the school district from 3296
the time there is an insurable interest therein and so long as the 3297
state retains any ownership or interest in the project pursuant to 3298
division (F) of this section, in such amounts and against such 3299
risks as the commission shall require; provided, that the cost of 3300
any required insurance until the project is completed shall be a 3301
part of the basic project cost; 3302

(I) The certification by the director of budget and 3303
management that funds are available and have been set aside to 3304

meet the state's share of the basic project cost as approved by 3305
the controlling board pursuant to either section 3318.04 or 3306
division (B)(1) of section 3318.41 of the Revised Code; 3307

(J) Authorization of the school district board to advertise 3308
for and receive construction bids for the project, for and on 3309
behalf of the commission, and to award contracts in the name of 3310
the state subject to approval by the commission; 3311

(K) Provisions for the disbursement of moneys from the school 3312
district's project account upon issuance by the commission or the 3313
commission's designated representative of vouchers for work done 3314
to be certified to the commission by the treasurer of the school 3315
district board; 3316

(L) Disposal of any balance left in the school district's 3317
project construction fund upon completion of the project; 3318

(M) Limitations upon use of the project or any part of it so 3319
long as any obligations issued to finance the project under 3320
section 3318.26 of the Revised Code are outstanding; 3321

(N) Provision for vesting the state's interest in the project 3322
to the school district board when the obligations issued to 3323
finance the project under section 3318.26 of the Revised Code are 3324
outstanding; 3325

(O) Provision for deposit of an executed copy of the 3326
agreement in the office of the commission; 3327

(P) Provision for termination of the contract and release of 3328
the funds encumbered at the time of the conditional approval, if 3329
the proceeds of the sale of the bonds of the school district board 3330
are not paid into the school district's project construction fund 3331
and if bids for the construction of the project have not been 3332
taken within such period after the execution of the agreement as 3333
may be fixed by the commission; 3334

(Q) Provision for the school district to maintain the project 3335
in accordance with a plan approved by the commission; 3336

(R) Provision that all state funds reserved and encumbered to 3337
pay the state share of the cost of the project and the funds 3338
provided by the school district to pay for its share of the 3339
project cost, including the respective shares of the cost of a 3340
segment if the project is divided into segments, be spent on the 3341
construction and acquisition of the project or segment 3342
simultaneously in proportion to the state's and the school 3343
district's respective shares of that basic project cost as 3344
determined under section 3318.032 of the Revised Code or, if the 3345
district is a joint vocational school district, under section 3346
3318.42 of the Revised Code. However, if the school district 3347
certifies to the commission that expenditure by the school 3348
district is necessary to maintain the federal tax status or 3349
tax-exempt status of notes or bonds issued by the school district 3350
to pay for its share of the project cost or to comply with 3351
applicable temporary investment periods or spending exceptions to 3352
rebate as provided for under federal law in regard to those notes 3353
or bonds, the school district may commit to spend, or spend, a 3354
greater portion of the funds it provides during any specific 3355
period than would otherwise be required under this division. 3356

(S) A provision stipulating that the commission may prohibit 3357
the district from proceeding with any project if the commission 3358
determines that the site is not suitable for construction 3359
purposes. The commission may perform soil tests in its 3360
determination of whether a site is appropriate for construction 3361
purposes. 3362

(T) A provision stipulating that, unless otherwise authorized 3363
by the commission, any contingency reserve portion of the 3364
construction budget prescribed by the commission shall be used 3365
only to pay costs resulting from unforeseen job conditions, to 3366

comply with rulings regarding building and other codes, to pay 3367
costs related to design clarifications or corrections to contract 3368
documents, and to pay the costs of settlements or judgments 3369
related to the project as provided under section 3318.086 of the 3370
Revised Code; 3371

(U) Provision stipulating that for continued release of 3372
project funds the school district board shall comply with ~~section~~ 3373
sections 3313.41 and 3313.412 of the Revised Code throughout the 3374
project and shall notify the department of education and the Ohio 3375
community school association when the board plans to dispose of 3376
facilities by sale under ~~that section~~ those sections; 3377

(V) Provision that the commission shall not approve a 3378
contract for demolition of a facility until the school district 3379
board has complied with ~~section~~ sections 3313.41 and 3313.412 of 3380
the Revised Code relative to that facility, unless demolition of 3381
that facility is to clear a site for construction of a replacement 3382
facility included in the district's project. 3383

Sec. 3319.02. (A)(1) As used in this section, "other 3384
administrator" means any of the following: 3385

(a) Except as provided in division (A)(2) of this section, 3386
any employee in a position for which a board of education requires 3387
a license designated by rule of the department of education for 3388
being an administrator issued under section 3319.22 of the Revised 3389
Code, including a professional pupil services employee or 3390
administrative specialist or an equivalent of either one who is 3391
not employed as a school counselor and spends less than fifty per 3392
cent of the time employed teaching or working with students; 3393

(b) Any nonlicensed employee whose job duties enable such 3394
employee to be considered as either a "supervisor" or a 3395
"management level employee," as defined in section 4117.01 of the 3396
Revised Code; 3397

(c) A business manager appointed under section 3319.03 of the Revised Code. 3398
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(2) As used in this section, "other administrator" does not include a superintendent, assistant superintendent, principal, or assistant principal. 3400
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(B) The board of education of each school district and the governing board of an educational service center may appoint one or more assistant superintendents and such other administrators as are necessary. An assistant educational service center superintendent or service center supervisor employed on a part-time basis may also be employed by a local board as a teacher. The board of each city, exempted village, and local school district shall employ principals for all high schools and for such other schools as the board designates, and those boards may appoint assistant principals for any school that they designate. 3403
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(C) In educational service centers and in city, exempted village, and local school districts, assistant superintendents, principals, assistant principals, and other administrators shall only be employed or reemployed in accordance with nominations of the superintendent, except that a board of education of a school district or the governing board of a service center, by a three-fourths vote of its full membership, may reemploy any assistant superintendent, principal, assistant principal, or other administrator whom the superintendent refuses to nominate. 3414
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The board of education or governing board shall execute a written contract of employment with each assistant superintendent, principal, assistant principal, and other administrator it employs or reemploys. The term of such contract shall not exceed three years except that in the case of a person who has been employed as an assistant superintendent, principal, assistant principal, or other administrator in the district or center for three years or 3423
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more, the term of the contract shall be for not more than five 3430
years and, unless the superintendent of the district recommends 3431
otherwise, not less than two years. If the superintendent so 3432
recommends, the term of the contract of a person who has been 3433
employed by the district or service center as an assistant 3434
superintendent, principal, assistant principal, or other 3435
administrator for three years or more may be one year, but all 3436
subsequent contracts granted such person shall be for a term of 3437
not less than two years and not more than five years. When a 3438
teacher with continuing service status becomes an assistant 3439
superintendent, principal, assistant principal, or other 3440
administrator with the district or service center with which the 3441
teacher holds continuing service status, the teacher retains such 3442
status in the teacher's nonadministrative position as provided in 3443
sections 3311.77, 3319.08, and 3319.09 of the Revised Code. 3444

A board of education or governing board may reemploy an 3445
assistant superintendent, principal, assistant principal, or other 3446
administrator at any regular or special meeting held during the 3447
period beginning on the first day of January of the calendar year 3448
immediately preceding the year of expiration of the employment 3449
contract and ending on the last day of March of the year the 3450
employment contract expires. 3451

Except by mutual agreement of the parties thereto, no 3452
assistant superintendent, principal, assistant principal, or other 3453
administrator shall be transferred during the life of a contract 3454
to a position of lesser responsibility. No contract may be 3455
terminated by a board except pursuant to section 3319.16 of the 3456
Revised Code. No contract may be suspended except pursuant to 3457
section 3319.17 or 3319.171 of the Revised Code. The salaries and 3458
compensation prescribed by such contracts shall not be reduced by 3459
a board unless such reduction is a part of a uniform plan 3460
affecting the entire district or center. The contract shall 3461

specify the employee's administrative position and duties as 3462
included in the job description adopted under division (D) of this 3463
section, the salary and other compensation to be paid for 3464
performance of duties, the number of days to be worked, the number 3465
of days of vacation leave, if any, and any paid holidays in the 3466
contractual year. 3467

An assistant superintendent, principal, assistant principal, 3468
or other administrator is, at the expiration of the current term 3469
of employment, deemed reemployed at the same salary plus any 3470
increments that may be authorized by the board, unless such 3471
employee notifies the board in writing to the contrary on or 3472
before the first day of June, or unless such board, on or before 3473
the last day of March of the year in which the contract of 3474
employment expires, either reemploys such employee for a 3475
succeeding term or gives written notice of its intention not to 3476
reemploy the employee. The term of reemployment of a person 3477
reemployed under this paragraph shall be one year, except that if 3478
such person has been employed by the school district or service 3479
center as an assistant superintendent, principal, assistant 3480
principal, or other administrator for three years or more, the 3481
term of reemployment shall be two years. 3482

(D)(1) Each board shall adopt procedures for the evaluation 3483
of all assistant superintendents, principals, assistant 3484
principals, and other administrators and shall evaluate such 3485
employees in accordance with those procedures. The procedures for 3486
the evaluation of principals shall be based on principles 3487
comparable to the teacher evaluation policy adopted by the board 3488
under section 3319.111 of the Revised Code, but shall be tailored 3489
to the duties and responsibilities of principals and the 3490
environment in which principals work. An evaluation based upon 3491
procedures adopted under this division shall be considered by the 3492
board in deciding whether to renew the contract of employment of 3493

an assistant superintendent, principal, assistant principal, or 3494
other administrator. 3495

(2) The evaluation shall measure each assistant 3496
superintendent's, principal's, assistant principal's, and other 3497
administrator's effectiveness in performing the duties included in 3498
the job description and the evaluation procedures shall provide 3499
for, but not be limited to, the following: 3500

(a) Each assistant superintendent, principal, assistant 3501
principal, and other administrator shall be evaluated annually 3502
through a written evaluation process. 3503

(b) The evaluation shall be conducted by the superintendent 3504
or designee. 3505

(c) In order to provide time to show progress in correcting 3506
the deficiencies identified in the evaluation process, the 3507
evaluation process shall be completed as follows: 3508

(i) In any school year that the employee's contract of 3509
employment is not due to expire, at least one evaluation shall be 3510
completed in that year. A written copy of the evaluation shall be 3511
provided to the employee no later than the end of the employee's 3512
contract year as defined by the employee's annual salary notice. 3513

(ii) In any school year that the employee's contract of 3514
employment is due to expire, at least a preliminary evaluation and 3515
at least a final evaluation shall be completed in that year. A 3516
written copy of the preliminary evaluation shall be provided to 3517
the employee at least sixty days prior to any action by the board 3518
on the employee's contract of employment. The final evaluation 3519
shall indicate the superintendent's intended recommendation to the 3520
board regarding a contract of employment for the employee. A 3521
written copy of the evaluation shall be provided to the employee 3522
at least five days prior to the board's acting to renew or not 3523
renew the contract. 3524

(3) Termination of an assistant superintendent, principal, 3525
assistant principal, or other administrator's contract shall be 3526
pursuant to section 3319.16 of the Revised Code. Suspension of any 3527
such employee shall be pursuant to section 3319.17 or 3319.171 of 3528
the Revised Code. 3529

(4) Before taking action to renew or nonrenew the contract of 3530
an assistant superintendent, principal, assistant principal, or 3531
other administrator under this section and prior to the last day 3532
of March of the year in which such employee's contract expires, 3533
the board shall notify each such employee of the date that the 3534
contract expires and that the employee may request a meeting with 3535
the board. Upon request by such an employee, the board shall grant 3536
the employee a meeting in executive session. In that meeting, the 3537
board shall discuss its reasons for considering renewal or 3538
nonrenewal of the contract. The employee shall be permitted to 3539
have a representative, chosen by the employee, present at the 3540
meeting. 3541

(5) The establishment of an evaluation procedure shall not 3542
create an expectancy of continued employment. Nothing in division 3543
(D) of this section shall prevent a board from making the final 3544
determination regarding the renewal or nonrenewal of the contract 3545
of any assistant superintendent, principal, assistant principal, 3546
or other administrator. However, if a board fails to provide 3547
evaluations pursuant to division (D)(2)(c)(i) or (ii) of this 3548
section, or if the board fails to provide at the request of the 3549
employee a meeting as prescribed in division (D)(4) of this 3550
section, the employee automatically shall be reemployed at the 3551
same salary plus any increments that may be authorized by the 3552
board for a period of one year, except that if the employee has 3553
been employed by the district or service center as an assistant 3554
superintendent, principal, assistant principal, or other 3555
administrator for three years or more, the period of reemployment 3556

shall be for two years. 3557

(E) On nomination of the superintendent of a service center a 3558
governing board may employ supervisors who shall be employed under 3559
written contracts of employment for terms not to exceed five years 3560
each. Such contracts may be terminated by a governing board 3561
pursuant to section 3319.16 of the Revised Code. Any supervisor 3562
employed pursuant to this division may terminate the contract of 3563
employment at the end of any school year after giving the board at 3564
least thirty days' written notice prior to such termination. On 3565
the recommendation of the superintendent the contract or contracts 3566
of any supervisor employed pursuant to this division may be 3567
suspended for the remainder of the term of any such contract 3568
pursuant to section 3319.17 or 3319.171 of the Revised Code. 3569

(F) A board may establish vacation leave for any individuals 3570
employed under this section. Upon such an individual's separation 3571
from employment, a board that has such leave may compensate such 3572
an individual at the individual's current rate of pay for all 3573
lawfully accrued and unused vacation leave credited at the time of 3574
separation, not to exceed the amount accrued within three years 3575
before the date of separation. In case of the death of an 3576
individual employed under this section, such unused vacation leave 3577
as the board would have paid to the individual upon separation 3578
under this section shall be paid in accordance with section 3579
2113.04 of the Revised Code, or to the estate. 3580

(G) The board of education of any school district may 3581
contract with the governing board of the educational service 3582
center from which it otherwise receives services to conduct 3583
searches and recruitment of candidates for assistant 3584
superintendent, principal, assistant principal, and other 3585
administrator positions authorized under this section. 3586

Sec. 3319.071. The board of education of any school district 3587

may, by resolution, establish a professional development program 3588
for teachers in accordance with which it may reimburse teachers 3589
employed by the district for all or any part of the cost incurred 3590
by the teacher in the successful completion of a course or 3591
training program in which the teacher enrolled as part of the 3592
development program. The terms and conditions for participation 3593
shall be determined by the board and shall be included in the 3594
resolution establishing the program. 3595

No teacher shall be required to participate in a professional 3596
development program under this section. When a teacher is 3597
participating in such a program, such participation does not 3598
constitute the performance of duties by such teacher in addition 3599
to the teacher's regular teaching duties and is not subject to 3600
section 3311.77 or 3319.08 of the Revised Code. 3601

As used in this section, "teacher" has the meaning contained 3602
in division (A) of section 3319.09 of the Revised Code. 3603

Sec. 3319.10. Teachers may be employed as substitute teachers 3604
for terms not to exceed one year for assignment as services are 3605
needed to take the place of regular teachers absent on account of 3606
illness or on leaves of absence or to fill temporarily positions 3607
created by emergencies; such assignment to be subject to 3608
termination when such services no longer are needed. 3609

A teacher employed as a substitute with an assignment to one 3610
specific teaching position shall after sixty days of service be 3611
granted sick leave, visiting days, and other local privileges 3612
granted to regular teachers including a salary not less than the 3613
minimum salary on the current adopted salary schedule. 3614

A teacher employed as a substitute for one hundred twenty 3615
days or more during a school year and re-employed for or assigned 3616
to a specific teaching position for the succeeding year shall 3617
receive a contract as a regular teacher if the substitute meets 3618

the local educational requirements for the employment of regular teachers. 3619
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Teachers employed as substitutes on a casual or day-to-day basis shall not be entitled to the notice of nonre-employment prescribed in section 3311.81 or 3319.11 of the Revised Code, but boards of education may grant such teachers sick leave and other local privileges and cumulate such service in determining seniority. 3621
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For purposes of determining in any school year the days of service of a substitute teacher under this section, any teacher's days of service in that school year while conditionally employed as a substitute teacher under section 3319.101 of the Revised Code shall count as days of service as a substitute teacher under this section. 3627
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Sec. 3319.112. (A) Not later than December 31, 2011, the state board of education shall develop a standards-based state framework for the evaluation of teachers. The framework shall establish an evaluation system that does the following: 3633
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(1) Provides for multiple evaluation factors, including student academic growth which shall account for fifty per cent of each evaluation; 3637
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(2) Is aligned with the standards for teachers adopted under section 3319.61 of the Revised Code; 3640
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(3) Requires observation of the teacher being evaluated, including at least two formal observations by the evaluator of at least thirty minutes each and classroom walk-throughs; 3642
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(4) Assigns a rating on each evaluation in accordance with division (B) of this section; 3645
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(5) Requires each teacher to be provided with a written report of the results of the teacher's evaluation; 3647
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(6) Identifies measures of student academic growth for grade levels and subjects for which the value-added progress dimension prescribed by section 3302.021 of the Revised Code does not apply;	3649 3650 3651
(7) Implements a classroom-level, value-added program developed by a nonprofit organization described in division (B) of section 3302.021 of the Revised Code;	3652 3653 3654
(8) Provides for professional development to accelerate and continue teacher growth and provide support to poorly performing teachers;	3655 3656 3657
(9) Provides for the allocation of financial resources to support professional development.	3658 3659
(B) For purposes of the framework developed under this section, the state board also shall do the following:	3660 3661
(1) Develop specific standards and criteria that distinguish between the following levels of performance for teachers and principals for the purpose of assigning ratings on the evaluations conducted under sections <u>3311.80, 3311.84, 3319.02,</u> and 3319.111 of the Revised Code:	3662 3663 3664 3665 3666
(a) Accomplished;	3667
(b) Proficient;	3668
(c) Developing;	3669
(d) Ineffective.	3670
(2) For grade levels and subjects for which the assessments prescribed under sections 3301.0710 and 3301.0712 of the Revised Code and the value-added progress dimension prescribed by section 3302.021 of the Revised Code do not apply, develop a list of student assessments that measure mastery of the course content for the appropriate grade level, which may include nationally normed standardized assessments, industry certification examinations, or end-of-course examinations.	3671 3672 3673 3674 3675 3676 3677 3678

(C) The state board shall consult with experts, teachers and principals employed in public schools, and representatives of stakeholder groups in developing the standards and criteria required by division (B)(1) of this section.

(D) To assist school districts in developing evaluation policies under sections 3311.80, 3311.84, 3319.02, and 3319.111 of the Revised Code, the department shall do both of the following:

(1) Serve as a clearinghouse of promising evaluation procedures and evaluation models that districts may use;

(2) Provide technical assistance to districts in creating evaluation policies.

Sec. 3319.12. Each board of education shall cause notice to be given annually not later than the first day of July to each teacher who holds a contract valid for the succeeding school year, as to the salary to be paid such teacher during such year. Such salary shall not be lower than the salary paid during the preceding school year unless such reduction is a part of a uniform plan affecting the entire district. This section does not prevent increases of salary after the board's annual notice has been given.

Except by mutual agreement of the parties thereto a teacher employed under a contract of employment in an administrative⁷ or supervisory position in a school district, or in any position provided for by section 3319.01 or 3319.02 of the Revised Code, shall not be transferred during the life of ~~his~~ the teacher's contract to a position of lesser responsibility. No contract or supplemental contract for the employment of a teacher, whether for an administrative or supervisory position, a position provided for by sections 3319.01 and 3319.02 of the Revised Code, regular teaching duties, or additional duties, may be terminated or suspended by a board of education except pursuant to section

3311.82, 3319.02, or 3319.16 of the Revised Code, and the salaries 3710
and compensations prescribed by such contracts shall not be 3711
reduced by a board of education unless such reduction is a part of 3712
a uniform plan affecting the entire district. This section shall 3713
apply only to contracts entered into after August 18, 1969. 3714

Sec. 3319.13. Upon the written request of a teacher or a 3715
regular nonteaching school employee, a board of education may 3716
grant a leave of absence for a period of not more than two 3717
consecutive school years for educational, professional, or other 3718
purposes, and shall grant such leave where illness or other 3719
disability is the reason for the request. Upon subsequent request, 3720
such leave may be renewed by the board. Without request, a board 3721
may grant similar leave of absence and renewals thereof to any 3722
teacher or regular nonteaching school employee because of physical 3723
or mental disability, but such teacher may have a hearing on such 3724
unrequested leave of absence or its renewals in accordance with 3725
section 3311.82 or 3319.16 of the Revised Code, and such 3726
nonteaching school employee may have a hearing on such unrequested 3727
leave of absence or its renewals in accordance with division (C) 3728
of section 3319.081 of the Revised Code. Upon the return to 3729
service of a teacher or a nonteaching school employee at the 3730
expiration of a leave of absence, the teacher or nonteaching 3731
school employee shall resume the contract status that the teacher 3732
or nonteaching school employee held prior to the leave of absence. 3733
Any teacher who leaves a teaching position for service in the 3734
uniformed services and who returns from service in the uniformed 3735
services that is terminated in a manner other than as described in 3736
section 4304 of Title 38 of the United States Code, "Uniformed 3737
Services Employment and Reemployment Rights Act of 1994," 108 3738
Stat. 3149, 38 U.S.C.A. 4304, shall resume the contract status 3739
held prior to entering the uniformed services, subject to passing 3740
a physical examination by an individual authorized by the Revised 3741

Code to conduct physical examinations, including a physician 3742
assistant, a clinical nurse specialist, a certified nurse 3743
practitioner, or a certified nurse-midwife. Any written 3744
documentation of the physical examination shall be completed by 3745
the individual who conducted the examination. Such contract status 3746
shall be resumed at the first of the school semester or the 3747
beginning of the school year following return from the uniformed 3748
services. For purposes of this section and section 3319.14 of the 3749
Revised Code, "uniformed services" and "service in the uniformed 3750
services" have the same meanings as defined in section 5923.05 of 3751
the Revised Code. 3752

Upon the return of a nonteaching school employee from a leave 3753
of absence, the board may terminate the employment of a person 3754
hired exclusively for the purpose of replacing the returning 3755
employee while the returning employee was on leave. If, after the 3756
return of a nonteaching employee from leave, the person employed 3757
exclusively for the purpose of replacing an employee while the 3758
employee was on leave is continued in employment as a regular 3759
nonteaching school employee or if the person is hired by the board 3760
as a regular nonteaching school employee within a year after 3761
employment as a replacement is terminated, the person shall, for 3762
purposes of section 3319.081 of the Revised Code, receive credit 3763
for the person's length of service with the school district during 3764
such replacement period in the following manner: 3765

(A) If employed as a replacement for less than twelve months, 3766
the person shall be employed under a contract valid for a period 3767
equal to twelve months less the number of months employed as a 3768
replacement. At the end of such contract period, if the person is 3769
reemployed it shall be under a two-year contract. Subsequent 3770
reemployment shall be pursuant to division (B) of section 3319.081 3771
of the Revised Code. 3772

(B) If employed as a replacement for twelve months or more 3773

but less than twenty-four months, the person shall be employed 3774
under a contract valid for a period equal to twenty-four months 3775
less the number of months employed as a replacement. Subsequent 3776
reemployment shall be pursuant to division (B) of section 3319.081 3777
of the Revised Code. 3778

(C) If employed as a replacement for more than twenty-four 3779
months, the person shall be employed pursuant to division (B) of 3780
section 3319.081 of the Revised Code. 3781

For purposes of this section, employment during any part of a 3782
month shall count as employment during the entire month. 3783

Sec. 3319.14. Any teacher who has left, or leaves, a teaching 3784
position, by resignation or otherwise, and within forty school 3785
days thereafter entered, or enters, the uniformed services and 3786
whose service is terminated in a manner other than as described in 3787
section 4304 of Title 38 of the United States Code, "Uniformed 3788
Services Employment and Reemployment Rights Act of 1994," 108 3789
Stat. 3149, 38 U.S.C.A. 4304, shall be reemployed by the board of 3790
education of the district in which the teacher held such teaching 3791
position, under the same type of contract as that which the 3792
teacher last held in such district, if the teacher applies to the 3793
board of education for reemployment in accordance with the 3794
"Uniformed Services Employment and Reemployment Rights Act of 3795
1994," 108 Stat. 3149, 38 U.S.C.A. 4312. Upon such application, 3796
the teacher shall be reemployed at the first of the next school 3797
semester, if the application is made not less than thirty days 3798
prior to the first of the next school semester, in which case the 3799
teacher shall be reemployed the first of the following school 3800
semester, unless the board of education waives the requirement for 3801
the thirty-day period. 3802

For the purposes of seniority and placement on the salary 3803
schedule, years of absence performing service in the uniformed 3804

services shall be counted as though teaching service had been 3805
performed during such time. 3806

The board of education of the district in which such teacher 3807
was employed and is reemployed under this section may suspend the 3808
contract of the teacher whose services become unnecessary by 3809
reason of the return of a teacher from service in the uniformed 3810
services in accordance with section 3311.83, 3319.17, or 3319.171 3811
of the Revised Code. 3812

Sec. 3319.141. Each person who is employed by any board of 3813
education in this state, except for substitutes, adult education 3814
instructors who are scheduled to work the full-time equivalent of 3815
less than one hundred twenty days per school year, or persons who 3816
are employed on an as-needed, seasonal, or intermittent basis, 3817
shall be entitled to fifteen days sick leave with pay, for each 3818
year under contract, which shall be credited at the rate of one 3819
and one-fourth days per month. Teachers and regular nonteaching 3820
school employees, upon approval of the responsible administrative 3821
officer of the school district, may use sick leave for absence due 3822
to personal illness, pregnancy, injury, exposure to contagious 3823
disease which could be communicated to others, and for absence due 3824
to illness, injury, or death in the employee's immediate family. 3825
Unused sick leave shall be cumulative up to one hundred twenty 3826
work days, unless more than one hundred twenty days are approved 3827
by the employing board of education. The previously accumulated 3828
sick leave of a person who has been separated from public service, 3829
whether accumulated pursuant to section 124.38 of the Revised Code 3830
or pursuant to this section, shall be placed to the person's 3831
credit upon re-employment in the public service, provided that 3832
such re-employment takes place within ten years of the date of the 3833
last termination from public service. A teacher or nonteaching 3834
school employee who transfers from one public agency to another 3835
shall be credited with the unused balance of the teacher's or 3836

nonteaching employee's accumulated sick leave up to the maximum of 3837
the sick leave accumulation permitted in the public agency to 3838
which the employee transfers. Teachers and nonteaching school 3839
employees who render regular part-time, per diem, or hourly 3840
service shall be entitled to sick leave for the time actually 3841
worked at the same rate as that granted like full-time employees, 3842
calculated in the same manner as the ratio of sick leave granted 3843
to hours of service established by section 124.38 of the Revised 3844
Code. Each board of education may establish regulations for the 3845
entitlement, crediting and use of sick leave by those substitute 3846
teachers employed by such board pursuant to section 3319.10 of the 3847
Revised Code who are not otherwise entitled to sick leave pursuant 3848
to such section. A board of education shall require a teacher or 3849
nonteaching school employee to furnish a written, signed statement 3850
on forms prescribed by such board to justify the use of sick 3851
leave. If medical attention is required, the employee's statement 3852
shall list the name and address of the attending physician and the 3853
dates when the physician was consulted. Nothing in this section 3854
shall be construed to waive the physician-patient privilege 3855
provided by section 2317.02 of the Revised Code. Falsification of 3856
a statement is grounds for suspension or termination of employment 3857
under sections 3311.82, 3319.081, and 3319.16 of the Revised Code. 3858
No sick leave shall be granted or credited to a teacher after the 3859
teacher's retirement or termination of employment. 3860

Except to the extent used as sick leave, leave granted under 3861
regulations adopted by a board of education pursuant to section 3862
3311.77 or 3319.08 of the Revised Code shall not be charged 3863
against sick leave earned or earnable under this section. Nothing 3864
in this section shall be construed to affect in any other way the 3865
granting of leave pursuant to section 3311.77 or 3319.08 of the 3866
Revised Code and any granting of sick leave pursuant to such 3867
section shall be charged against sick leave accumulated pursuant 3868
to this section. 3869

This section shall not be construed to interfere with any 3870
unused sick leave credit in any agency of government where 3871
attendance records are maintained and credit has been given for 3872
unused sick leave. Unused sick leave accumulated by teachers and 3873
nonteaching school employees under section 124.38 of the Revised 3874
Code shall continue to be credited toward the maximum accumulation 3875
permitted in accordance with this section. Each newly hired 3876
regular nonteaching and each regular nonteaching employee of any 3877
board of education who has exhausted the employee's accumulated 3878
sick leave shall be entitled to an advancement of not less than 3879
five days of sick leave each year, as authorized by rules which 3880
each board shall adopt, to be charged against the sick leave the 3881
employee subsequently accumulates under this section. 3882

This section shall be uniformly administered. 3883

Sec. 3319.143. Notwithstanding section 3319.141 of the 3884
Revised Code, the board of education of a city, exempted village, 3885
local or joint vocational school district may adopt a policy of 3886
assault leave by which an employee who is absent due to physical 3887
disability resulting from an assault which occurs in the course of 3888
board employment will be maintained on full pay status during the 3889
period of such absence. A board of education electing to effect 3890
such a policy of assault leave shall establish rules for the 3891
entitlement, crediting, and use of assault leave and file a copy 3892
of same with the state board of education. A board of education 3893
adopting this policy shall require an employee to furnish a signed 3894
statement on forms prescribed by such board to justify the use of 3895
assault leave. If medical attention is required, a certificate 3896
from a licensed physician stating the nature of the disability and 3897
its duration shall be required before assault leave can be 3898
approved for payment. Falsification of either a signed statement 3899
or a physician's certificate is ground for suspension or 3900
termination of employment under section 3311.82 or 3319.16 of the 3901

Revised Code. 3902

Assault leave granted under rules adopted by a board of 3903
education pursuant to this section shall not be charged against 3904
sick leave earned or earnable under section 3319.141 of the 3905
Revised Code or leave granted under rules adopted by a board of 3906
education pursuant to section 3311.77 or 3319.08 of the Revised 3907
Code. This section shall be uniformly administered in those 3908
districts where such policy is adopted. 3909

Sec. 3319.151. (A) No person shall reveal to any student any 3910
specific question that the person knows is part of an assessment 3911
to be administered under section 3301.0711 of the Revised Code or 3912
in any other way assist a pupil to cheat on such an assessment. 3913

(B) On a finding by the state board of education, after 3914
investigation, that a school employee who holds a license issued 3915
under sections 3319.22 to 3319.31 of the Revised Code has violated 3916
division (A) of this section, the license of such teacher shall be 3917
suspended for one year. Prior to commencing an investigation, the 3918
board shall give the teacher notice of the allegation and an 3919
opportunity to respond and present a defense. 3920

(C)(1) Violation of division (A) of this section is grounds 3921
for termination of employment of a nonteaching employee under 3922
division (C) of section 3319.081 or section 124.34 of the Revised 3923
Code. 3924

(2) Violation of division (A) of this section is grounds for 3925
termination of a teacher contract under section 3311.82 or 3319.16 3926
of the Revised Code. 3927

Sec. 3319.18. If an entire school district or that part of a 3928
school district which comprises the territory in which a school is 3929
situated is transferred to any other district, or if a new school 3930
district is created, the teachers in such districts or schools 3931

employed on continuing contracts immediately prior to such 3932
transfer, or creation shall, subject to section 3311.83, 3319.17, 3933
or 3319.171 of the Revised Code, have continuing service status in 3934
the newly created district, or in the district to which the 3935
territory is transferred. 3936

The limited contracts of the teachers employed in such 3937
districts or schools immediately prior to such transfer, or 3938
creation, shall become the legal obligations of the board of 3939
education in the newly created district, or in the district to 3940
which the territory is transferred, subject to section 3311.83, 3941
3319.17, or 3319.171 of the Revised Code. The teaching experience 3942
of such teachers in such prior districts or schools shall be 3943
included in the three years of service required under section 3944
3319.11 of the Revised Code for a teacher to become eligible for 3945
continuing service status. 3946

Teachers employed on limited or continuing contracts in an 3947
entire school district or that part of a school district which 3948
comprises the territory in which a school is situated which is 3949
transferred to any other district or which is merged with other 3950
school territory to create a new school district, shall be placed, 3951
on the effective date of such transfer or merger, on the salary 3952
schedule of the district to which the territory is transferred or 3953
the newly created district, according to their training and 3954
experience. Such experience shall be the total sum of the years 3955
taught in the district whose territory was transferred or merged 3956
to create a new district, plus the total number of years of 3957
teaching experience recognized by such previous district upon its 3958
first employment of such teachers. 3959

The placement of the teachers on the salary schedule, 3960
pursuant to this section, shall not result, however, in the salary 3961
of any teacher being less than the teacher's current annual salary 3962
for regular duties, in existence immediately prior to the merger 3963

or transfer. 3964

When suspending contracts in accordance with an 3965
administrative personnel suspension policy adopted under section 3966
3319.171 of the Revised Code, a board may consider years of 3967
teaching service in the previous district in its decision if it is 3968
a part of the suspension policy. 3969

Sec. 3319.283. (A) The board of education of any school 3970
district may employ an individual who is not certificated or 3971
licensed as required by Chapter 3319. of the Revised Code, but who 3972
meets the following qualifications, as a teacher in the schools of 3973
the district: 3974

(1) The individual is a veteran of the armed forces of the 3975
United States and was honorably discharged within three years of 3976
June 30, 1997; 3977

(2) While in the armed forces the individual had meaningful 3978
teaching or other instructional experience; 3979

(3) The individual holds at least a baccalaureate degree. 3980

(B) An individual employed under this section shall be deemed 3981
to hold a teaching certificate or educator license for the 3982
purposes of state and federal law and rules and regulations and 3983
school district policies, rules, and regulations. However, an 3984
individual employed under this section is not a highly qualified 3985
teacher for purposes of the school district's compliance with 3986
section 3319.074 of the Revised Code. Each individual employed 3987
under this section shall meet the requirement to successfully 3988
complete fifteen hours, or the equivalent, of coursework every 3989
five years that is approved by the local professional development 3990
committee as is required of other teachers licensed in accordance 3991
with Chapter 3319. of the Revised Code. 3992

(C) The superintendent of public instruction may revoke the 3993

right of an individual employed under division (A) of this section 3994
to teach if, after an investigation and an adjudication conducted 3995
pursuant to Chapter 119. of the Revised Code, the superintendent 3996
finds that the person is not competent to teach the subject the 3997
person has been employed to teach or did not fulfill the 3998
requirements of division (A) of this section. No individual whose 3999
right to teach has been revoked under this division shall teach in 4000
a public school, and no board of education may engage such an 4001
individual to teach in the schools of its district. 4002

Notwithstanding division (B) of this section, a board of 4003
education is not required to comply with the provisions of 4004
sections 3311.81, 3311.82, 3319.11, and 3319.16 of the Revised 4005
Code with regard to termination of employment if the 4006
superintendent, after an investigation and an adjudication, has 4007
revoked the individual's right to teach. 4008

Sec. 4141.29. Each eligible individual shall receive benefits 4009
as compensation for loss of remuneration due to involuntary total 4010
or partial unemployment in the amounts and subject to the 4011
conditions stipulated in this chapter. 4012

(A) No individual is entitled to a waiting period or benefits 4013
for any week unless the individual: 4014

(1) Has filed a valid application for determination of 4015
benefit rights in accordance with section 4141.28 of the Revised 4016
Code; 4017

(2) Has made a claim for benefits in accordance with section 4018
4141.28 of the Revised Code; 4019

(3) Has registered at an employment office or other 4020
registration place maintained or designated by the director of job 4021
and family services. Registration shall be made in accordance with 4022
the time limits, frequency, and manner prescribed by the director. 4023

(4)(a)(i) Is able to work and available for suitable work 4024
and, except as provided in division (A)(4)(a)(ii) of this section, 4025
is actively seeking suitable work either in a locality in which 4026
the individual has earned wages subject to this chapter during the 4027
individual's base period, or if the individual leaves that 4028
locality, then in a locality where suitable work normally is 4029
performed. 4030

(ii) The director may waive the requirement that a claimant 4031
be actively seeking work when the director finds that the 4032
individual has been laid off and the employer who laid the 4033
individual off has notified the director within ten days after the 4034
layoff, that work is expected to be available for the individual 4035
within a specified number of days not to exceed forty-five 4036
calendar days following the last day the individual worked. In the 4037
event the individual is not recalled within the specified period, 4038
this waiver shall cease to be operative with respect to that 4039
layoff. 4040

(b) The individual shall be instructed as to the efforts that 4041
the individual must make in the search for suitable work, except 4042
where the active search for work requirement has been waived under 4043
division (A)(4)(a) of this section, and shall keep a record of 4044
where and when the individual has sought work in complying with 4045
those instructions and, upon request, shall produce that record 4046
for examination by the director. 4047

(c) An individual who is attending a training course approved 4048
by the director meets the requirement of this division, if 4049
attendance was recommended by the director and the individual is 4050
regularly attending the course and is making satisfactory 4051
progress. An individual also meets the requirements of this 4052
division if the individual is participating and advancing in a 4053
training program, as defined in division (P) of section 5709.61 of 4054
the Revised Code, and if an enterprise, defined in division (B) of 4055

section 5709.61 of the Revised Code, is paying all or part of the 4056
cost of the individual's participation in the training program 4057
with the intention of hiring the individual for employment as a 4058
new employee, as defined in division (L) of section 5709.61 of the 4059
Revised Code, for at least ninety days after the individual's 4060
completion of the training program. 4061

(d) An individual who becomes unemployed while attending a 4062
regularly established school and whose base period qualifying 4063
weeks were earned in whole or in part while attending that school, 4064
meets the availability and active search for work requirements of 4065
division (A)(4)(a) of this section if the individual regularly 4066
attends the school during weeks with respect to which the 4067
individual claims unemployment benefits and makes self available 4068
on any shift of hours for suitable employment with the 4069
individual's most recent employer or any other employer in the 4070
individual's base period, or for any other suitable employment to 4071
which the individual is directed, under this chapter. 4072

(e) The director shall adopt any rules that the director 4073
deems necessary for the administration of division (A)(4) of this 4074
section. 4075

(f) Notwithstanding any other provisions of this section, no 4076
otherwise eligible individual shall be denied benefits for any 4077
week because the individual is in training approved under section 4078
236(a)(1) of the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 4079
2296, nor shall that individual be denied benefits by reason of 4080
leaving work to enter such training, provided the work left is not 4081
suitable employment, or because of the application to any week in 4082
training of provisions in this chapter, or any applicable federal 4083
unemployment compensation law, relating to availability for work, 4084
active search for work, or refusal to accept work. 4085

For the purposes of division (A)(4)(f) of this section, 4086
"suitable employment" means with respect to an individual, work of 4087

a substantially equal or higher skill level than the individual's 4088
past adversely affected employment, as defined for the purposes of 4089
the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 2101, and 4090
wages for such work at not less than eighty per cent of the 4091
individual's average weekly wage as determined for the purposes of 4092
that federal act. 4093

(5) Is unable to obtain suitable work. An individual who is 4094
provided temporary work assignments by the individual's employer 4095
under agreed terms and conditions of employment, and who is 4096
required pursuant to those terms and conditions to inquire with 4097
the individual's employer for available work assignments upon the 4098
conclusion of each work assignment, is not considered unable to 4099
obtain suitable employment if suitable work assignments are 4100
available with the employer but the individual fails to contact 4101
the employer to inquire about work assignments. 4102

(6) Participates in reemployment services, such as job search 4103
assistance services, if the individual has been determined to be 4104
likely to exhaust benefits under this chapter, including 4105
compensation payable pursuant to 5 U.S.C.A. Chapter 85, other than 4106
extended compensation, and needs reemployment services pursuant to 4107
the profiling system established by the director under division 4108
(K) of this section, unless the director determines that: 4109

(a) The individual has completed such services; or 4110

(b) There is justifiable cause for the claimant's failure to 4111
participate in such services. 4112

(B) An individual suffering total or partial unemployment is 4113
eligible for benefits for unemployment occurring subsequent to a 4114
waiting period of one week and no benefits shall be payable during 4115
this required waiting period. Not more than one week of waiting 4116
period shall be required of any individual in any benefit year in 4117
order to establish the individual's eligibility for total or 4118

partial unemployment benefits. 4119

(C) The waiting period for total or partial unemployment 4120
shall commence on the first day of the first week with respect to 4121
which the individual first files a claim for benefits at an 4122
employment office or other place of registration maintained or 4123
designated by the director or on the first day of the first week 4124
with respect to which the individual has otherwise filed a claim 4125
for benefits in accordance with the rules of the department of job 4126
and family services, provided such claim is allowed by the 4127
director. 4128

(D) Notwithstanding division (A) of this section, no 4129
individual may serve a waiting period or be paid benefits under 4130
the following conditions: 4131

(1) For any week with respect to which the director finds 4132
that: 4133

(a) The individual's unemployment was due to a labor dispute 4134
other than a lockout at any factory, establishment, or other 4135
premises located in this or any other state and owned or operated 4136
by the employer by which the individual is or was last employed; 4137
and for so long as the individual's unemployment is due to such 4138
labor dispute. No individual shall be disqualified under this 4139
provision if either of the following applies: 4140

(i) The individual's employment was with such employer at any 4141
factory, establishment, or premises located in this state, owned 4142
or operated by such employer, other than the factory, 4143
establishment, or premises at which the labor dispute exists, if 4144
it is shown that the individual is not financing, participating 4145
in, or directly interested in such labor dispute; 4146

(ii) The individual's employment was with an employer not 4147
involved in the labor dispute but whose place of business was 4148
located within the same premises as the employer engaged in the 4149

dispute, unless the individual's employer is a wholly owned 4150
subsidiary of the employer engaged in the dispute, or unless the 4151
individual actively participates in or voluntarily stops work 4152
because of such dispute. If it is established that the claimant 4153
was laid off for an indefinite period and not recalled to work 4154
prior to the dispute, or was separated by the employer prior to 4155
the dispute for reasons other than the labor dispute, or that the 4156
individual obtained a bona fide job with another employer while 4157
the dispute was still in progress, such labor dispute shall not 4158
render the employee ineligible for benefits. 4159

(b) The individual has been given a disciplinary layoff for 4160
misconduct in connection with the individual's work. 4161

(2) For the duration of the individual's unemployment if the 4162
director finds that: 4163

(a) The individual quit work without just cause or has been 4164
discharged for just cause in connection with the individual's 4165
work, provided division (D)(2) of this section does not apply to 4166
the separation of a person under any of the following 4167
circumstances: 4168

(i) Separation from employment for the purpose of entering 4169
the armed forces of the United States if the individual is 4170
inducted into the armed forces within one of the following 4171
periods: 4172

(I) Thirty days after separation; 4173

(II) One hundred eighty days after separation if the 4174
individual's date of induction is delayed solely at the discretion 4175
of the armed forces. 4176

(ii) Separation from employment pursuant to a 4177
labor-management contract or agreement, or pursuant to an 4178
established employer plan, program, or policy, which permits the 4179
employee, because of lack of work, to accept a separation from 4180

employment; 4181

(iii) The individual has left employment to accept a recall 4182
from a prior employer or, except as provided in division 4183
(D)(2)(a)(iv) of this section, to accept other employment as 4184
provided under section 4141.291 of the Revised Code, or left or 4185
was separated from employment that was concurrent employment at 4186
the time of the most recent separation or within six weeks prior 4187
to the most recent separation where the remuneration, hours, or 4188
other conditions of such concurrent employment were substantially 4189
less favorable than the individual's most recent employment and 4190
where such employment, if offered as new work, would be considered 4191
not suitable under the provisions of divisions (E) and (F) of this 4192
section. Any benefits that would otherwise be chargeable to the 4193
account of the employer from whom an individual has left 4194
employment or was separated from employment that was concurrent 4195
employment under conditions described in division (D)(2)(a)(iii) 4196
of this section, shall instead be charged to the mutualized 4197
account created by division (B) of section 4141.25 of the Revised 4198
Code, except that any benefits chargeable to the account of a 4199
reimbursing employer under division (D)(2)(a)(iii) of this section 4200
shall be charged to the account of the reimbursing employer and 4201
not to the mutualized account, except as provided in division 4202
(D)(2) of section 4141.24 of the Revised Code. 4203

(iv) When an individual has been issued a definite layoff 4204
date by the individual's employer and before the layoff date, the 4205
individual quits to accept other employment, the provisions of 4206
division (D)(2)(a)(iii) of this section apply and no 4207
disqualification shall be imposed under division (D) of this 4208
section. However, if the individual fails to meet the employment 4209
and earnings requirements of division (A)(2) of section 4141.291 4210
of the Revised Code, then the individual, pursuant to division 4211
(A)(5) of this section, shall be ineligible for benefits for any 4212

week of unemployment that occurs prior to the layoff date. 4213

(b) The individual has refused without good cause to accept 4214
an offer of suitable work when made by an employer either in 4215
person or to the individual's last known address, or has refused 4216
or failed to investigate a referral to suitable work when directed 4217
to do so by a local employment office of this state or another 4218
state, provided that this division shall not cause a 4219
disqualification for a waiting week or benefits under the 4220
following circumstances: 4221

(i) When work is offered by the individual's employer and the 4222
individual is not required to accept the offer pursuant to the 4223
terms of the labor-management contract or agreement; or 4224

(ii) When the individual is attending a training course 4225
pursuant to division (A)(4) of this section except, in the event 4226
of a refusal to accept an offer of suitable work or a refusal or 4227
failure to investigate a referral, benefits thereafter paid to 4228
such individual shall not be charged to the account of any 4229
employer and, except as provided in division (B)(1)(b) of section 4230
4141.241 of the Revised Code, shall be charged to the mutualized 4231
account as provided in division (B) of section 4141.25 of the 4232
Revised Code. 4233

(c) Such individual quit work to marry or because of marital, 4234
parental, filial, or other domestic obligations. 4235

(d) The individual became unemployed by reason of commitment 4236
to any correctional institution. 4237

(e) The individual became unemployed because of dishonesty in 4238
connection with the individual's most recent or any base period 4239
work. Remuneration earned in such work shall be excluded from the 4240
individual's total base period remuneration and qualifying weeks 4241
that otherwise would be credited to the individual for such work 4242
in the individual's base period shall not be credited for the 4243

purpose of determining the total benefits to which the individual 4244
is eligible and the weekly benefit amount to be paid under section 4245
4141.30 of the Revised Code. Such excluded remuneration and 4246
noncredited qualifying weeks shall be excluded from the 4247
calculation of the maximum amount to be charged, under division 4248
(D) of section 4141.24 and section 4141.33 of the Revised Code, 4249
against the accounts of the individual's base period employers. In 4250
addition, no benefits shall thereafter be paid to the individual 4251
based upon such excluded remuneration or noncredited qualifying 4252
weeks. 4253

For purposes of division (D)(2)(e) of this section, 4254
"dishonesty" means the commission of substantive theft, fraud, or 4255
deceitful acts. 4256

(E) No individual otherwise qualified to receive benefits 4257
shall lose the right to benefits by reason of a refusal to accept 4258
new work if: 4259

(1) As a condition of being so employed the individual would 4260
be required to join a company union, or to resign from or refrain 4261
from joining any bona fide labor organization, or would be denied 4262
the right to retain membership in and observe the lawful rules of 4263
any such organization. 4264

(2) The position offered is vacant due directly to a strike, 4265
lockout, or other labor dispute. 4266

(3) The work is at an unreasonable distance from the 4267
individual's residence, having regard to the character of the work 4268
the individual has been accustomed to do, and travel to the place 4269
of work involves expenses substantially greater than that required 4270
for the individual's former work, unless the expense is provided 4271
for. 4272

(4) The remuneration, hours, or other conditions of the work 4273
offered are substantially less favorable to the individual than 4274

those prevailing for similar work in the locality. 4275

(F) Subject to the special exceptions contained in division 4276
(A)(4)(f) of this section and section 4141.301 of the Revised 4277
Code, in determining whether any work is suitable for a claimant 4278
in the administration of this chapter, the director, in addition 4279
to the determination required under division (E) of this section, 4280
shall consider the degree of risk to the claimant's health, 4281
safety, and morals, the individual's physical fitness for the 4282
work, the individual's prior training and experience, the length 4283
of the individual's unemployment, the distance of the available 4284
work from the individual's residence, and the individual's 4285
prospects for obtaining local work. 4286

(G) The "duration of unemployment" as used in this section 4287
means the full period of unemployment next ensuing after a 4288
separation from any base period or subsequent work and until an 4289
individual has become reemployed in employment subject to this 4290
chapter, or the unemployment compensation act of another state, or 4291
of the United States, and until such individual has worked six 4292
weeks and for those weeks has earned or been paid remuneration 4293
equal to six times an average weekly wage of not less than: 4294
eighty-five dollars and ten cents per week beginning on June 26, 4295
1990; and beginning on and after January 1, 1992, twenty-seven and 4296
one-half per cent of the statewide average weekly wage as computed 4297
each first day of January under division (B)(3) of section 4141.30 4298
of the Revised Code, rounded down to the nearest dollar, except 4299
for purposes of division (D)(2)(c) of this section, such term 4300
means the full period of unemployment next ensuing after a 4301
separation from such work and until such individual has become 4302
reemployed subject to the terms set forth above, and has earned 4303
wages equal to one-half of the individual's average weekly wage or 4304
sixty dollars, whichever is less. 4305

(H) If a claimant is disqualified under division (D)(2)(a), 4306

(c), or (d) of this section or found to be qualified under the 4307
exceptions provided in division (D)(2)(a)(i), (iii), or (iv) of 4308
this section or division (A)(2) of section 4141.291 of the Revised 4309
Code, then benefits that may become payable to such claimant, 4310
which are chargeable to the account of the employer from whom the 4311
individual was separated under such conditions, shall be charged 4312
to the mutualized account provided in section 4141.25 of the 4313
Revised Code, provided that no charge shall be made to the 4314
mutualized account for benefits chargeable to a reimbursing 4315
employer, except as provided in division (D)(2) of section 4141.24 4316
of the Revised Code. In the case of a reimbursing employer, the 4317
director shall refund or credit to the account of the reimbursing 4318
employer any over-paid benefits that are recovered under division 4319
(B) of section 4141.35 of the Revised Code. Amounts chargeable to 4320
other states, the United States, or Canada that are subject to 4321
agreements and arrangements that are established pursuant to 4322
section 4141.43 of the Revised Code shall be credited or 4323
reimbursed according to the agreements and arrangements to which 4324
the chargeable amounts are subject. 4325

(I)(1) Benefits based on service in employment as provided in 4326
divisions (B)(2)(a) and (b) of section 4141.01 of the Revised Code 4327
shall be payable in the same amount, on the same terms, and 4328
subject to the same conditions as benefits payable on the basis of 4329
other service subject to this chapter; except that after December 4330
31, 1977: 4331

(a) Benefits based on service in an instructional, research, 4332
or principal administrative capacity in an institution of higher 4333
education, as defined in division (Y) of section 4141.01 of the 4334
Revised Code; or for an educational institution as defined in 4335
division (CC) of section 4141.01 of the Revised Code, shall not be 4336
paid to any individual for any week of unemployment that begins 4337
during the period between two successive academic years or terms, 4338

or during a similar period between two regular but not successive 4339
terms or during a period of paid sabbatical leave provided for in 4340
the individual's contract, if the individual performs such 4341
services in the first of those academic years or terms and has a 4342
contract or a reasonable assurance that the individual will 4343
perform services in any such capacity for any such institution in 4344
the second of those academic years or terms. 4345

(b) Benefits based on service for an educational institution 4346
or an institution of higher education in other than an 4347
instructional, research, or principal administrative capacity, 4348
shall not be paid to any individual for any week of unemployment 4349
which begins during the period between two successive academic 4350
years or terms of the employing educational institution or 4351
institution of higher education, provided the individual performed 4352
those services for the educational institution or institution of 4353
higher education during the first such academic year or term and, 4354
there is a reasonable assurance that such individual will perform 4355
those services for any educational institution or institution of 4356
higher education in the second of such academic years or terms. 4357

If compensation is denied to any individual for any week 4358
under division (I)(1)(b) of this section and the individual was 4359
not offered an opportunity to perform those services for an 4360
institution of higher education or for an educational institution 4361
for the second of such academic years or terms, the individual is 4362
entitled to a retroactive payment of compensation for each week 4363
for which the individual timely filed a claim for compensation and 4364
for which compensation was denied solely by reason of division 4365
(I)(1)(b) of this section. An application for retroactive benefits 4366
shall be timely filed if received by the director or the 4367
director's deputy within or prior to the end of the fourth full 4368
calendar week after the end of the period for which benefits were 4369
denied because of reasonable assurance of employment. The 4370

provision for the payment of retroactive benefits under division 4371
(I)(1)(b) of this section is applicable to weeks of unemployment 4372
beginning on and after November 18, 1983. The provisions under 4373
division (I)(1)(b) of this section shall be retroactive to 4374
September 5, 1982, only if, as a condition for full tax credit 4375
against the tax imposed by the "Federal Unemployment Tax Act," 53 4376
Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311, the United States 4377
secretary of labor determines that retroactivity is required by 4378
federal law. 4379

(c) With respect to weeks of unemployment beginning after 4380
December 31, 1977, benefits shall be denied to any individual for 4381
any week which commences during an established and customary 4382
vacation period or holiday recess, if the individual performs any 4383
services described in divisions (I)(1)(a) and (b) of this section 4384
in the period immediately before the vacation period or holiday 4385
recess, and there is a reasonable assurance that the individual 4386
will perform any such services in the period immediately following 4387
the vacation period or holiday recess. 4388

(d) With respect to any services described in division 4389
(I)(1)(a), (b), or (c) of this section, benefits payable on the 4390
basis of services in any such capacity shall be denied as 4391
specified in division (I)(1)(a), (b), or (c) of this section to 4392
any individual who performs such services in an educational 4393
institution or institution of higher education while in the employ 4394
of an educational service agency. For this purpose, the term 4395
"educational service agency" means a governmental agency or 4396
governmental entity that is established and operated exclusively 4397
for the purpose of providing services to one or more educational 4398
institutions or one or more institutions of higher education. 4399

(e) Any individual employed by a public school district, 4400
other than a municipal school district as defined in section 4401
3311.71 of the Revised Code, or a county board of developmental 4402

disabilities shall be notified by the thirtieth day of April each 4403
year if the individual is not to be reemployed the following 4404
academic year. 4405

(2) No disqualification will be imposed, between academic 4406
years or terms or during a vacation period or holiday recess under 4407
this division, unless the director or the director's deputy has 4408
received a statement in writing from the educational institution 4409
or institution of higher education that the claimant has a 4410
contract for, or a reasonable assurance of, reemployment for the 4411
ensuing academic year or term. 4412

(3) If an individual has employment with an educational 4413
institution or an institution of higher education and employment 4414
with a noneducational employer, during the base period of the 4415
individual's benefit year, then the individual may become eligible 4416
for benefits during the between-term, or vacation or holiday 4417
recess, disqualification period, based on employment performed for 4418
the noneducational employer, provided that the employment is 4419
sufficient to qualify the individual for benefit rights separately 4420
from the benefit rights based on school employment. The weekly 4421
benefit amount and maximum benefits payable during a 4422
disqualification period shall be computed based solely on the 4423
nonschool employment. 4424

(J) Benefits shall not be paid on the basis of employment 4425
performed by an alien, unless the alien had been lawfully admitted 4426
to the United States for permanent residence at the time the 4427
services were performed, was lawfully present for purposes of 4428
performing the services, or was otherwise permanently residing in 4429
the United States under color of law at the time the services were 4430
performed, under section 212(d)(5) of the "Immigration and 4431
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101: 4432

(1) Any data or information required of individuals applying 4433
for benefits to determine whether benefits are not payable to them 4434

because of their alien status shall be uniformly required from all 4435
applicants for benefits. 4436

(2) In the case of an individual whose application for 4437
benefits would otherwise be approved, no determination that 4438
benefits to the individual are not payable because of the 4439
individual's alien status shall be made except upon a 4440
preponderance of the evidence that the individual had not, in 4441
fact, been lawfully admitted to the United States. 4442

(K) The director shall establish and utilize a system of 4443
profiling all new claimants under this chapter that: 4444

(1) Identifies which claimants will be likely to exhaust 4445
regular compensation and will need job search assistance services 4446
to make a successful transition to new employment; 4447

(2) Refers claimants identified pursuant to division (K)(1) 4448
of this section to reemployment services, such as job search 4449
assistance services, available under any state or federal law; 4450

(3) Collects follow-up information relating to the services 4451
received by such claimants and the employment outcomes for such 4452
claimant's subsequent to receiving such services and utilizes such 4453
information in making identifications pursuant to division (K)(1) 4454
of this section; and 4455

(4) Meets such other requirements as the United States 4456
secretary of labor determines are appropriate. 4457

Sec. 5705.192. (A) For the purposes of this section only, 4458
"taxing authority" includes a township board of park commissioners 4459
appointed under section 511.18 of the Revised Code. 4460

(B) A taxing authority may propose to replace an existing 4461
levy that the taxing authority is authorized to levy, regardless 4462
of the section of the Revised Code under which the authority is 4463
granted, except a school district emergency levy proposed pursuant 4464

to sections 5705.194 to 5705.197 of the Revised Code. The taxing 4465
authority may propose to replace the existing levy in its entirety 4466
at the rate at which it is authorized to be levied; may propose to 4467
replace a portion of the existing levy at a lesser rate; or may 4468
propose to replace the existing levy in its entirety and increase 4469
the rate at which it is levied. If the taxing authority proposes 4470
to replace an existing levy, the proposed levy shall be called a 4471
replacement levy and shall be so designated on the ballot. Except 4472
as otherwise provided in this division, a replacement levy shall 4473
be limited to the purpose of the existing levy, and shall appear 4474
separately on the ballot from, and shall not be conjoined with, 4475
the renewal of any other existing levy. In the case of an existing 4476
school district levy imposed under section 5705.21 of the Revised 4477
Code for the purpose specified in division (F) of section 5705.19 4478
of the Revised Code, the replacement for that existing levy may be 4479
for the same purpose or for the purpose of general permanent 4480
improvements as defined in section 5705.21 of the Revised Code. 4481

The resolution proposing a replacement levy shall specify the 4482
purpose of the levy; its proposed rate expressed in mills; whether 4483
the proposed rate is the same as the rate of the existing levy, a 4484
reduction, or an increase; the extent of any reduction or increase 4485
expressed in mills; the first calendar year in which the levy will 4486
be due; and the term of the levy, expressed in years or, if 4487
applicable, that it will be levied for a continuing period of 4488
time. 4489

The sections of the Revised Code governing the maximum rate 4490
and term of the existing levy, the contents of the resolution that 4491
proposed the levy, the adoption of the resolution, the 4492
arrangements for the submission of the question of the levy, and 4493
notice of the election also govern the respective provisions of 4494
the proposal to replace the existing levy, except as provided in 4495
~~division~~ divisions (B)(1) ~~or (2)~~ to (3) of this section: 4496

(1) In the case of an existing school district levy imposed 4497
under section 5705.21 of the Revised Code for the purpose 4498
specified in division (F) of section 5705.19 of the Revised Code 4499
that is to be replaced by a levy for general permanent 4500
improvements, the maximum term of the replacement levy is not 4501
limited to the term of the existing levy and may be for a 4502
continuing period of time. 4503

(2) The date on which the election is held shall be as 4504
follows: 4505

(a) For the replacement of a levy with a fixed term of years, 4506
the date of the general election held during the last year the 4507
existing levy may be extended on the real and public utility 4508
property tax list and duplicate, or the date of any election held 4509
in the ensuing year; 4510

(b) For the replacement of a levy imposed for a continuing 4511
period of time, the date of any election held in any year after 4512
the year the levy to be replaced is first approved by the 4513
electors, except that only one election on the question of 4514
replacing the levy may be held during any calendar year. 4515

The failure by the electors to approve a proposal to replace 4516
a levy imposed for a continuing period of time does not terminate 4517
the existing continuing levy. 4518

(3) In the case of an existing school district levy imposed 4519
under division (B) of section 5705.21, division (C) of section 4520
5705.212, or division (J) of section 5705.218 of the Revised Code, 4521
the rates allocated to the municipal school district and to 4522
qualifying community schools each may be increased or decreased or 4523
remain the same, and the total rate may be increased, decreased, 4524
or remain the same. 4525

(C) The form of the ballot at the election on the question of 4526
a replacement levy shall be as follows: 4527

"A replacement of a tax for the benefit of (name
of subdivision or public library) for the purpose of
(the purpose stated in the resolution) at a rate not exceeding
..... mills for each one dollar of valuation, which amounts
to (rate expressed in dollars and cents) for each one
hundred dollars in valuation, for (number of years levy
is to run, or that it will be levied for a continuous period of
time)

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

If the replacement levy is proposed by a municipal school
district to replace an existing tax levied under division (B) of
section 5705.21, division (C)(1) of section 5705.212, or division
(J) of section 5705.218 of the Revised Code, the form of the
ballot shall be modified by adding, after the phrase "each one
dollar of valuation," the following: "(of which mills is to
be allocated to qualifying community schools)."

If the proposal is to replace an existing levy and increase
the rate of the existing levy, the form of the ballot shall be
changed by adding the words "..... mills of an existing levy
and an increase of mills, to constitute" after the
words "a replacement of." If the proposal is to replace only a
portion of an existing levy, the form of the ballot shall be
changed by adding the words "a portion of an existing levy, being
a reduction of mills, to constitute" after the words "a
replacement of." If the existing levy is imposed under division
(B) of section 5705.21, division (C)(1) of section 5705.212, or
division (J) of section 5705.218 of the Revised Code, the form of
the ballot also shall state the portion of the total increased
rate or of the total rate as reduced that is to be allocated to

qualifying community schools. 4560

If the tax is to be placed on the tax list of the current tax 4561
year, the form of the ballot shall be modified by adding at the 4562
end of the form the phrase ", commencing in (first year 4563
the replacement tax is to be levied), first due in calendar year 4564
..... (first calendar year in which the tax shall be due)." 4565

The question covered by the resolution shall be submitted as 4566
a separate proposition, but may be printed on the same ballot with 4567
any other proposition submitted at the same election, other than 4568
the election of officers. More than one such question may be 4569
submitted at the same election. 4570

(D) Two existing levies, or any portion of those levies, may 4571
be combined into one replacement levy, so long as both of the 4572
existing levies are for the same purpose and either both are due 4573
to expire the same year or both are for a continuing period of 4574
time. The question of combining all or portions of the two 4575
existing levies into the replacement levy shall appear as one 4576
ballot proposition before the electors. If the electors approve 4577
the ballot proposition, all or the stated portions of the two 4578
existing levies are replaced by one replacement levy. 4579

(E) A levy approved in excess of the ten-mill limitation 4580
under this section shall be certified to the tax commissioner. In 4581
the first year of a levy approved under this section, the levy 4582
shall be extended on the tax lists after the February settlement 4583
succeeding the election at which the levy was approved. If the 4584
levy is to be placed on the tax lists of the current year, as 4585
specified in the resolution providing for its submission, the 4586
result of the election shall be certified immediately after the 4587
canvass by the board of elections to the taxing authority, which 4588
shall forthwith make the necessary levy and certify it to the 4589
county auditor, who shall extend it on the tax lists for 4590
collection. After the first year, the levy shall be included in 4591

the annual tax budget that is certified to the county budget 4592
commission. 4593

If notes are authorized to be issued in anticipation of the 4594
proceeds of the existing levy, notes may be issued in anticipation 4595
of the proceeds of the replacement levy, and such issuance is 4596
subject to the terms and limitations governing the issuance of 4597
notes in anticipation of the proceeds of the existing levy. 4598

(F) This section does not authorize a tax to be levied in any 4599
year after the year in which revenue is not needed for the purpose 4600
for which the tax is levied. 4601

Sec. 5705.21. (A) At any time, the board of education of any 4602
city, local, exempted village, cooperative education, or joint 4603
vocational school district, by a vote of two-thirds of all its 4604
members, may declare by resolution that the amount of taxes which 4605
may be raised within the ten-mill limitation by levies on the 4606
current tax duplicate will be insufficient to provide an adequate 4607
amount for the necessary requirements of the school district, that 4608
it is necessary to levy a tax in excess of such limitation for one 4609
of the purposes specified in division (A), (D), (F), (H), or (DD) 4610
of section 5705.19 of the Revised Code, for general permanent 4611
improvements, for the purpose of operating a cultural center, or 4612
for the purpose of providing education technology, and that the 4613
question of such additional tax levy shall be submitted to the 4614
electors of the school district at a special election on a day to 4615
be specified in the resolution. If the resolution states that the 4616
levy is for the purpose of operating a cultural center, the ballot 4617
shall state that the levy is "for the purpose of operating the 4618
..... (name of cultural center)." 4619

As used in this ~~section~~ division, "cultural center" means a 4620
freestanding building, separate from a public school building, 4621
that is open to the public for educational, musical, artistic, and 4622

cultural purposes; "education technology" means, but is not 4623
limited to, computer hardware, equipment, materials, and 4624
accessories, equipment used for two-way audio or video, and 4625
software; and "general permanent improvements" means permanent 4626
improvements without regard to the limitation of division (F) of 4627
section 5705.19 of the Revised Code that the improvements be a 4628
specific improvement or a class of improvements that may be 4629
included in a single bond issue. 4630

~~The submission of questions to the electors under this 4631
section is subject to the limitation on the number of election 4632
dates established by section 5705.214 of the Revised Code. 4633~~

~~(B) Such~~ A resolution adopted under this division shall be 4634
confined to a single purpose and shall specify the amount of the 4635
increase in rate that it is necessary to levy, the purpose of the 4636
levy, and the number of years during which the increase in rate 4637
shall be in effect. The number of years may be any number not 4638
exceeding five or, if the levy is for current expenses of the 4639
district or for general permanent improvements, for a continuing 4640
period of time. The 4641

(B)(1) The board of education of a municipal school district, 4642
by resolution, may declare that it is necessary to levy a tax in 4643
excess of the ten-mill limitation for the purpose of paying the 4644
current expenses of the district and of qualifying community 4645
schools and that the question of the additional tax levy shall be 4646
submitted to the electors of the school district at a special 4647
election on a day to be specified in the resolution. The 4648
resolution shall state the purpose of the levy, the rate of the 4649
tax expressed in mills per dollar of taxable value, the number of 4650
such mills to be levied for the current expenses of the qualifying 4651
community schools and the number of such mills to be levied for 4652
the current expenses of the school district, the number of years 4653
the tax will be levied, and the first year the tax will be levied. 4654

The number of years the tax may be levied may be any number not exceeding ten years, or for a continuing period of time. 4655
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The levy of a tax for the current expenses of a qualifying community school under this section and the distribution of proceeds from the tax by a municipal school district to qualifying community schools is hereby determined to be a proper public purpose. 4657
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(2) The form of the ballot at an election held pursuant to division (B) of this section shall be as follows: 4662
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"Shall a levy be imposed by the (insert the name of the municipal school district) for the purpose of current expenses of the school district and of qualifying community schools at a rate not exceeding (insert the number of mills) mills for each one dollar of valuation (of which (insert the number of mills to be allocated to qualifying community schools) mills is to be allocated to qualifying community schools), which amounts to (insert the rate expressed in dollars and cents) for each one hundred dollars of valuation, for (insert the number of years the levy is to be imposed, or that it will be levied for a continuing period of time), beginning (insert first year the tax is to be levied), which will first be payable in calendar year (insert the first calendar year in which the tax would be payable)? 4664
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	<u>FOR THE TAX LEVY</u>	"
	<u>AGAINST THE TAX LEVY</u>	

(3) Upon each receipt of a tax distribution by the municipal school district, the board of education shall credit the portion allocated to qualifying community schools to the qualifying community schools fund. All income from the investment of money in the qualifying community schools fund shall be credited to that fund. 4680
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Not more than forty-five days after the municipal school district receives and deposits each tax distribution, the board of education shall distribute the qualifying community schools amount among the qualifying community schools then eligible to receive funds under this section. From each tax distribution, each such qualifying community school shall receive a portion of the qualifying community schools amount in the proportion that the number of its resident students bears to the aggregate number of resident students of all such qualifying community schools as of the receipt and deposit of the tax distribution. For the purposes of this division, the number of resident students shall be the number of such students reported under section 3317.03 of the Revised Code and established by the department of education as of the receipt and deposit of the tax distribution.

(4) The board of education of the municipal school district shall certify to the department of education each agreement between the board and a qualifying community school referred to in division (B)(6)(b) of this section, along with the determination that such agreement satisfies the requirements of that division. The board's determination is conclusive.

(5) For the purposes of Chapter 3317. of the Revised Code or other laws referring to the "taxes charged and payable" for a school district, the taxes charged and payable for a municipal school district that levies a tax under division (B) of this section includes only the taxes charged and payable under that levy for the current expenses of the school district, and does not include the taxes charged and payable for the current expenses of qualifying community schools. The taxes charged and payable for the current expenses of qualifying community schools shall not affect the calculation of "state education aid" as defined in section 5751.20 of the Revised Code.

(6) As used in division (B) of this section:

(a) "Municipal school district" has the same meaning as in section 3311.71 of the Revised Code. 4718
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(b) "Qualifying community school" means a community school established under Chapter 3314. of the Revised Code that is located within the territory of the municipal school district and that is either sponsored by the district or a party to an agreement with the district identifying goals for the community school's educational, financial, and management progress and accountability standards by which the community school's progress is to be measured. 4720
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(c) "Qualifying community schools amount" means the product obtained, as of the receipt and deposit of the tax distribution, by multiplying the amount of a tax distribution by a fraction, the numerator of which is the number of mills per dollar of taxable value of the property tax to be allocated to qualifying community schools, and the denominator of which is the total number of mills per dollar of taxable value authorized by the electors in the election held under division (B) of this section, each as set forth in the resolution levying the tax. 4728
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(d) "Qualifying community schools fund" means a separate fund established by the board of education of a municipal school district for the deposit of qualifying community school amounts under this section. 4737
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(e) "Resident student" means a student enrolled in a qualifying community school who is entitled to attend school in the municipal school district under section 3313.64 or 3313.65 of the Revised Code. 4741
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(f) "Tax distribution" means a distribution of proceeds of the tax authorized by division (B) of this section under section 321.24 of the Revised Code and distributions that are attributable to that tax under sections 323.156 and 4503.068 of the Revised 4745
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Code or other applicable law. 4749

(C) A resolution adopted under this section shall specify the 4750
date of holding ~~such~~ the election, which shall not be earlier than 4751
ninety days after the adoption and certification of the resolution 4752
and which shall be consistent with the requirements of section 4753
3501.01 of the Revised Code. 4754

~~The~~ A resolution adopted under this section may propose to 4755
renew one or more existing levies imposed under division (A) or 4756
(B) of this section or to increase or decrease a single levy 4757
imposed under ~~this section~~ either such division. ~~If~~ 4758

If the board of education imposes one or more existing levies 4759
for the purpose specified in division (F) of section 5705.19 of 4760
the Revised Code, the resolution may propose to renew one or more 4761
of those existing levies, or to increase or decrease a single such 4762
existing levy, for the purpose of general permanent improvements. 4763
~~If~~ 4764

If the resolution proposes to renew two or more existing 4765
levies, the levies shall be levied for the same purpose. The 4766
resolution shall identify those levies and the rates at which they 4767
are levied. The resolution also shall specify that the existing 4768
levies shall not be extended on the tax lists after the year 4769
preceding the year in which the renewal levy is first imposed, 4770
regardless of the years for which those levies originally were 4771
authorized to be levied. 4772

If the resolution proposes to renew an existing levy imposed 4773
under division (B) of this section, the rates allocated to the 4774
municipal school district and to qualifying community schools each 4775
may be increased or decreased or remain the same, and the total 4776
rate may be increased, decreased, or remain the same. The 4777
resolution and notice of election shall specify the number of the 4778
mills to be levied for the current expenses of the qualifying 4779

community schools and the number of the mills to be levied for the 4780
current expenses of the municipal school district. 4781

The A resolution adopted under this section shall go into 4782
immediate effect upon its passage, and no publication of the 4783
resolution shall be necessary other than that provided for in the 4784
notice of election. A copy of the resolution shall immediately 4785
after its passing be certified to the board of elections of the 4786
proper county in the manner provided by section 5705.25 of the 4787
Revised Code, ~~and that. That~~ section shall govern the arrangements 4788
for the submission of such question and other matters concerning 4789
~~such the~~ election, to which that section refers, including 4790
publication of notice of the election, except that ~~such the~~ 4791
election shall be held on the date specified in the resolution. 4792
~~Publication of notice of that election shall be made in a~~ 4793
~~newspaper of general circulation in the county once a week for two~~ 4794
~~consecutive weeks, or as provided in section 7.16 of the Revised~~ 4795
~~Code, prior to the election. If the board of elections operates~~ 4796
~~and maintains a web site, the board of elections shall post notice~~ 4797
~~of the election on its web site for thirty days prior to the~~ 4798
~~election. In the case of a resolution adopted under division (B)~~ 4799
of this section, the publication of notice of that election shall 4800
state the number of the mills to be levied for the current 4801
expenses of qualifying community schools and the number of the 4802
mills to be levied for the current expenses of the municipal 4803
school district. If a majority of the electors voting on the 4804
question so submitted in an election vote in favor of the levy, 4805
the board of education may make the necessary levy within the 4806
school district at the additional rate, or at any lesser rate in 4807
excess of the ten-mill limitation on the tax list, for the purpose 4808
stated in the resolution. A levy for a continuing period of time 4809
may be reduced pursuant to section 5705.261 of the Revised Code. 4810
The tax levy shall be included in the next tax budget that is 4811
certified to the county budget commission. 4812

~~(C)~~(D)(1) After the approval of a levy on the current tax 4813
list and duplicate for current expenses, for recreational 4814
purposes, for community centers provided for in section 755.16 of 4815
the Revised Code, or for a public library of the district under 4816
division (A) of this section, and prior to the time when the first 4817
tax collection from the levy can be made, the board of education 4818
may anticipate a fraction of the proceeds of the levy and issue 4819
anticipation notes in a principal amount not exceeding fifty per 4820
cent of the total estimated proceeds of the levy to be collected 4821
during the first year of the levy. 4822

(2) After the approval of a levy for general permanent 4823
improvements for a specified number of years, or for permanent 4824
improvements having the purpose specified in division (F) of 4825
section 5705.19 of the Revised Code, the board of education may 4826
anticipate a fraction of the proceeds of the levy and issue 4827
anticipation notes in a principal amount not exceeding fifty per 4828
cent of the total estimated proceeds of the levy remaining to be 4829
collected in each year over a period of five years after the 4830
issuance of the notes. 4831

The notes shall be issued as provided in section 133.24 of 4832
the Revised Code, shall have principal payments during each year 4833
after the year of their issuance over a period not to exceed five 4834
years, and may have a principal payment in the year of their 4835
issuance. 4836

(3) After approval of a levy for general permanent 4837
improvements for a continuing period of time, the board of 4838
education may anticipate a fraction of the proceeds of the levy 4839
and issue anticipation notes in a principal amount not exceeding 4840
fifty per cent of the total estimated proceeds of the levy to be 4841
collected in each year over a specified period of years, not 4842
exceeding ten, after the issuance of the notes. 4843

The notes shall be issued as provided in section 133.24 of 4844

the Revised Code, shall have principal payments during each year 4845
after the year of their issuance over a period not to exceed ten 4846
years, and may have a principal payment in the year of their 4847
issuance. 4848

(4) After the approval of a levy on the current tax list and 4849
duplicate under division (B) of this section, and prior to the 4850
time when the first tax collection from the levy can be made, the 4851
board of education may anticipate a fraction of the proceeds of 4852
the levy for the current expenses of the school district and issue 4853
anticipation notes in a principal amount not exceeding fifty per 4854
cent of the estimated proceeds of the levy to be collected during 4855
the first year of the levy and allocated to the school district. 4856
The portion of the levy proceeds to be allocated to qualifying 4857
community schools under that division shall not be included in the 4858
estimated proceeds anticipated under this division and shall not 4859
be used to pay debt charges on any anticipation notes. 4860

The notes shall be issued as provided in section 133.24 of 4861
the Revised Code, shall have principal payments during each year 4862
after the year of their issuance over a period not to exceed five 4863
years, and may have a principal payment in the year of their 4864
issuance. 4865

(E) The submission of questions to the electors under this 4866
section is subject to the limitation on the number of election 4867
dates established by section 5705.214 of the Revised Code. 4868

Sec. 5705.212. (A)(1) The board of education of any school 4869
district, at any time and by a vote of two-thirds of all of its 4870
members, may declare by resolution that the amount of taxes that 4871
may be raised within the ten-mill limitation will be insufficient 4872
to provide an adequate amount for the present and future 4873
requirements of the school district, that it is necessary to levy 4874
not more than five taxes in excess of that limitation for current 4875

expenses, and that each of the proposed taxes first will be levied 4876
in a different year, over a specified period of time. The board 4877
shall identify the taxes proposed under this section as follows: 4878
the first tax to be levied shall be called the "original tax." 4879
Each tax subsequently levied shall be called an "incremental tax." 4880
The rate of each incremental tax shall be identical, but the rates 4881
of such incremental taxes need not be the same as the rate of the 4882
original tax. The resolution also shall state that the question of 4883
these additional taxes shall be submitted to the electors of the 4884
school district at a special election. The resolution shall 4885
specify separately for each tax proposed: the amount of the 4886
increase in rate that it is necessary to levy, expressed 4887
separately for the original tax and each incremental tax; that the 4888
purpose of the levy is for current expenses; the number of years 4889
during which the original tax shall be in effect; a specification 4890
that the last year in which the original tax is in effect shall 4891
also be the last year in which each incremental tax shall be in 4892
effect; and the year in which each tax first is proposed to be 4893
levied. The original tax may be levied for any number of years not 4894
exceeding ten, or for a continuing period of time. The resolution 4895
shall specify the date of holding the special election, which 4896
shall not be earlier than ninety days after the adoption and 4897
certification of the resolution and shall be consistent with the 4898
requirements of section 3501.01 of the Revised Code. 4899

(2) The board of education, by a vote of two-thirds of all of 4900
its members, may adopt a resolution proposing to renew taxes 4901
levied other than for a continuing period of time under division 4902
(A)(1) of this section. Such a resolution shall provide for 4903
levying a tax and specify all of the following: 4904

(a) That the tax shall be called and designated on the ballot 4905
as a renewal levy; 4906

(b) The rate of the renewal tax, which shall be a single rate 4907

that combines the rate of the original tax and each incremental 4908
tax into a single rate. The rate of the renewal tax shall not 4909
exceed the aggregate rate of the original and incremental taxes. 4910

(c) The number of years, not to exceed ten, that the renewal 4911
tax will be levied, or that it will be levied for a continuing 4912
period of time; 4913

(d) That the purpose of the renewal levy is for current 4914
expenses; 4915

(e) Subject to the certification and notification 4916
requirements of section 5705.251 of the Revised Code, that the 4917
question of the renewal levy shall be submitted to the electors of 4918
the school district at the general election held during the last 4919
year the original tax may be extended on the real and public 4920
utility property tax list and duplicate or at a special election 4921
held during the ensuing year. 4922

(3) A resolution adopted under division (A)(1) or (2) of this 4923
section shall go into immediate effect upon its adoption and no 4924
publication of the resolution is necessary other than that 4925
provided for in the notice of election. Immediately after its 4926
adoption, a copy of the resolution shall be certified to the board 4927
of elections of the proper county in the manner provided by 4928
division (A) of section 5705.251 of the Revised Code, and that 4929
division shall govern the arrangements for the submission of the 4930
question and other matters concerning the election to which that 4931
section refers. The election shall be held on the date specified 4932
in the resolution. If a majority of the electors voting on the 4933
question so submitted in an election vote in favor of the taxes or 4934
a renewal tax, the board of education, if the original or a 4935
renewal tax is authorized to be levied for the current year, 4936
immediately may make the necessary levy within the school district 4937
at the authorized rate, or at any lesser rate in excess of the 4938
ten-mill limitation, for the purpose stated in the resolution. No 4939

tax shall be imposed prior to the year specified in the resolution 4940
as the year in which it is first proposed to be levied. The rate 4941
of the original tax and the rate of each incremental tax shall be 4942
cumulative, so that the aggregate rate levied in any year is the 4943
sum of the rates of both the original tax and all incremental 4944
taxes levied in or prior to that year under the same proposal. A 4945
tax levied for a continuing period of time under this section may 4946
be reduced pursuant to section 5705.261 of the Revised Code. 4947

~~(4) The submission of questions to the electors under this 4948
section is subject to the limitation on the number of election 4949
dates established by section 5705.214 of the Revised Code. 4950~~

(B) Notwithstanding ~~sections~~ section 133.30 and ~~133.301~~ of 4951
the Revised Code, after the approval of a tax to be levied in the 4952
current or the succeeding year and prior to the time when the 4953
first tax collection from that levy can be made, the board of 4954
education may anticipate a fraction of the proceeds of the levy 4955
and issue anticipation notes in an amount not to exceed fifty per 4956
cent of the total estimated proceeds of the levy to be collected 4957
during the first year of the levy. The notes shall be sold as 4958
provided in Chapter 133. of the Revised Code. If anticipation 4959
notes are issued, they shall mature serially and in substantially 4960
equal amounts during each year over a period not to exceed five 4961
years; and the amount necessary to pay the interest and principal 4962
as the anticipation notes mature shall be deemed appropriated for 4963
those purposes from the levy, and appropriations from the levy by 4964
the board of education shall be limited each fiscal year to the 4965
balance available in excess of that amount. 4966

If the auditor of state has certified a deficit pursuant to 4967
section 3313.483 of the Revised Code, the notes authorized under 4968
this section may be sold in accordance with Chapter 133. of the 4969
Revised Code, except that the board may sell the notes after 4970
providing a reasonable opportunity for competitive bidding. 4971

(C)(1) The board of education of a municipal school district, 4972
at any time and by a vote of two-thirds of all its members, may 4973
declare by resolution that it is necessary to levy not more than 4974
five taxes in excess of the ten-mill limitation for the current 4975
expenses of the school district and of qualifying community 4976
schools, and that each of the proposed taxes first will be levied 4977
in a different year, over a specified period of time. The board 4978
shall identify the taxes proposed under this division in the same 4979
manner as in division (A)(1) of this section. The rate of each 4980
incremental tax shall be identical, but the rates of such 4981
incremental taxes need not be the same as the rate of the original 4982
tax. In addition to the specifications required of the resolution 4983
in division (A) of this section, the resolution shall state the 4984
number of the mills to be levied each year for the current 4985
expenses of the qualifying community schools and the number of the 4986
mills to be levied each year for the current expenses of the 4987
school district. The number of mills for the current expenses of 4988
qualifying community schools shall be the same for each of the 4989
incremental taxes, and the number of mills for the current 4990
expenses of the municipal school district shall be the same for 4991
each of the incremental taxes. 4992

The levy of taxes for the current expenses of a qualifying 4993
community school under division (C) of this section and the 4994
distribution of proceeds from the tax by a municipal school 4995
district to qualifying community schools is hereby determined to 4996
be a proper public purpose. 4997

(2) The board of education, by a vote of two-thirds of all of 4998
its members, may adopt a resolution proposing to renew taxes 4999
levied other than for a continuing period of time under division 5000
(C)(1) of this section. In such a renewal levy, the rates 5001
allocated to the municipal school district and to qualifying 5002
community schools each may be increased or decreased or remain the 5003

same, and the total rate may be increased, decreased, or remain 5004
the same. In addition to the requirements of division (A)(2) of 5005
this section, the resolution shall state the number of the mills 5006
to be levied for the current expenses of the qualifying community 5007
schools and the number of the mills to be levied for the current 5008
expenses of the school district. 5009

(3) A resolution adopted under division (C)(1) or (2) of this 5010
section is subject to the rules and procedures prescribed by 5011
division (A)(3) of this section. 5012

(4) The proceeds of each tax levied under division (C)(1) or 5013
(2) of this section shall be credited and distributed in the 5014
manner prescribed by division (B)(3) of section 5705.21 of the 5015
Revised Code, and divisions (B)(4), (5), and (6) of that section 5016
apply to taxes levied under division (C) of this section. 5017

(5) Notwithstanding section 133.30 of the Revised Code, after 5018
the approval of a tax to be levied under division (C)(1) or (2) of 5019
this section, in the current or succeeding year and prior to the 5020
time when the first tax collection from that levy can be made, the 5021
board of education may anticipate a fraction of the proceeds of 5022
the levy for the current expenses of the municipal school district 5023
and issue anticipation notes in a principal amount not exceeding 5024
fifty per cent of the estimated proceeds of the levy to be 5025
collected during the first year of the levy and allocated to the 5026
school district. The portion of levy proceeds to be allocated to 5027
qualifying community schools shall not be included in the 5028
estimated proceeds anticipated under this division and shall not 5029
be used to pay debt charges on any anticipation notes. 5030

The notes shall be sold as provided in Chapter 133. of the 5031
Revised Code. If anticipation notes are issued, they shall mature 5032
serially and in substantially equal amounts during each year over 5033
a period not to exceed five years. The amount necessary to pay the 5034
interest and principal as the anticipation notes mature shall be 5035

deemed appropriated for those purposes from the levy, and 5036
appropriations from the levy by the board of education shall be 5037
limited each fiscal year to the balance available in excess of 5038
that amount. 5039

If the auditor of state has certified a deficit pursuant to 5040
section 3313.483 of the Revised Code, the notes authorized under 5041
this section may be sold in accordance with Chapter 133. of the 5042
Revised Code, except that the board may sell the notes after 5043
providing a reasonable opportunity for competitive bidding. 5044

As used in division (C) of this section, "municipal school 5045
district" and "qualifying community schools" have the same 5046
meanings as in section 5705.21 of the Revised Code. 5047

(D) The submission of questions to the electors under this 5048
section is subject to the limitation on the number of election 5049
dates established by section 5705.214 of the Revised Code. 5050

Sec. 5705.215. (A) The governing board of an educational 5051
service center that is the taxing authority of a county school 5052
financing district, upon receipt of identical resolutions adopted 5053
within a sixty-day period by a majority of the members of the 5054
board of education of each school district that is within the 5055
territory of the county school financing district, may submit a 5056
tax levy to the electors of the territory in the same manner as a 5057
school board may submit a levy under division ~~(B)~~(C) of section 5058
5705.21 of the Revised Code, except that: 5059

(1) The levy may be for a period not to exceed ten years, or, 5060
if the levy is solely for the purpose or purposes described in 5061
division (A)(2)(a) or (c) of this section, for a continuing period 5062
of time. 5063

(2) The purpose of the levy shall be one or more of the 5064
following: 5065

(a) For current expenses for the provision of special education and related services within the territory of the district;	5066 5067 5068
(b) For permanent improvements within the territory of the district for special education and related services;	5069 5070
(c) For current expenses for specified educational programs within the territory of the district;	5071 5072
(d) For permanent improvements within the territory of the district for specified educational programs;	5073 5074
(e) For permanent improvements within the territory of the district.	5075 5076
(B) If the levy provides for but is not limited to current expenses, the resolutions shall apportion the annual rate of the levy between current expenses and the other purposes. The apportionment need not be the same for each year of the levy, but the respective portions of the rate actually levied each year for current expenses and the other purposes shall be limited by that apportionment.	5077 5078 5079 5080 5081 5082 5083
(C) Prior to the application of section 319.301 of the Revised Code, the rate of a levy that is limited to, or to the extent that it is apportioned to, purposes other than current expenses shall be reduced in the same proportion in which the district's total valuation increases during the life of the levy because of additions to such valuation that have resulted from improvements added to the tax list and duplicate.	5084 5085 5086 5087 5088 5089 5090
(D) After the approval of a county school financing district levy under this section, the taxing authority may anticipate a fraction of the proceeds of such levy and may from time to time during the life of such levy, but in any given year prior to the time when the tax collection from such levy can be made for that year, issue anticipation notes in an amount not exceeding fifty	5091 5092 5093 5094 5095 5096

per cent of the estimated proceeds of the levy to be collected in 5097
each year up to a period of five years after the date of the 5098
issuance of such notes, less an amount equal to the proceeds of 5099
such levy obligated for each year by the issuance of anticipation 5100
notes, provided that the total amount maturing in any one year 5101
shall not exceed fifty per cent of the anticipated proceeds of the 5102
levy for that year. Each issue of notes shall be sold as provided 5103
in Chapter 133. of the Revised Code, and shall, except for such 5104
limitation that the total amount of such notes maturing in any one 5105
year shall not exceed fifty per cent of the anticipated proceeds 5106
of such levy for that year, mature serially in substantially equal 5107
installments during each year over a period not to exceed five 5108
years after their issuance. 5109

(E)(1) In a resolution to be submitted to the taxing 5110
authority of a county school financing district under division (A) 5111
of this section calling for a ballot issue on the question of the 5112
levying of a tax for a continuing period of time by the taxing 5113
authority, the board of education of a school district that is 5114
part of the territory of the county school financing district also 5115
may propose to reduce the rate of one or more of that school 5116
district's property taxes levied for a continuing period of time 5117
in excess of the ten-mill limitation. The reduction in the rate of 5118
a property tax may be any amount, expressed in mills per one 5119
dollar of valuation, not exceeding the rate at which the tax is 5120
authorized to be levied. The reduction in the rate of a tax shall 5121
first take effect in the same year that the county school 5122
financing district tax takes effect, and shall continue for each 5123
year that the county school financing district tax is in effect. A 5124
board of education's resolution proposing to reduce the rate of 5125
one or more of its school district property taxes shall 5126
specifically identify each such tax and shall state for each tax 5127
the maximum rate at which it currently may be levied and the 5128
maximum rate at which it could be levied after the proposed 5129

reduction, expressed in mills per one dollar of valuation. 5130

Before submitting the resolution to the taxing authority of 5131
the county school financing district, the board of education of 5132
the school district shall certify a copy of it to the tax 5133
commissioner. Within ten days of receiving the copy, the tax 5134
commissioner shall certify to the board the reduction in the 5135
school district's total effective tax rate for each class of 5136
property that would have resulted if the proposed reduction in the 5137
rate or rates had been in effect the previous year. After 5138
receiving the certification from the commissioner, the board may 5139
amend its resolution to change the proposed property tax rate 5140
reduction before submitting the resolution to the financing 5141
district taxing authority. As used in this paragraph, "effective 5142
tax rate" has the same meaning as in section 323.08 of the Revised 5143
Code. 5144

If the board of education of a school district that is part 5145
of the territory of a county school financing district adopts a 5146
resolution proposing to reduce the rate of one or more of its 5147
property taxes in conjunction with the levying of a tax by the 5148
financing district, the resolution submitted by the board to the 5149
taxing authority of the financing district under division (A) of 5150
this section does not have to be identical in this respect to the 5151
resolutions submitted by the boards of education of the other 5152
school districts that are part of the territory of the county 5153
school financing district. 5154

(2) Each school district that is part of the territory of a 5155
county school financing district may tailor to its own situation a 5156
proposed reduction in one or more property tax rates in 5157
conjunction with the proposed levying of a tax by the county 5158
school financing district; if one such school district proposes a 5159
reduction in one or more tax rates, another school district may 5160
propose a reduction of a different size or may propose no 5161

reduction. Within each school district that is part of the 5162
territory of the county school financing district, the electors 5163
shall vote on one ballot issue combining the question of the 5164
levying of the tax by the taxing authority of the county school 5165
financing district with, if any such reduction is proposed, the 5166
question of the reduction in the rate of one or more taxes of the 5167
school district. If a majority of the electors of the county 5168
school financing district voting on the question of the proposed 5169
levying of a tax by the taxing authority of the financing district 5170
vote to approve the question, any tax reductions proposed by 5171
school districts that are part of the territory of the financing 5172
district also are approved. 5173

(3) The form of the ballot for an issue proposing to levy a 5174
county school financing district tax in conjunction with the 5175
reduction of the rate of one or more school district taxes shall 5176
be as follows: 5177

"Shall the (name of the county school financing 5178
district) be authorized to levy an additional tax for 5179
(purpose stated in the resolutions) at a rate not exceeding 5180
..... mills for each one dollar of valuation, which amounts to 5181
..... (rate expressed in dollars and cents) for each one hundred 5182
dollars of valuation, for a continuing period of time? If the 5183
county school financing district tax is approved, the rate of an 5184
existing tax currently levied by the (name of the school 5185
district of which the elector is a resident) at the rate of 5186
..... mills for each one dollar of valuation shall be reduced to 5187
..... mills until any such time as the county school financing 5188
district tax is decreased or repealed. 5189

	For the issue
	Against the issue

"

5190
5191
5192
5193

If the board of education of the school district proposes to 5194
reduce the rate of more than one of its existing taxes, the second 5195
sentence of the ballot language shall be modified for residents of 5196
that district to express the rates at which those taxes currently 5197
are levied and the rates to which they would be reduced. If the 5198
board of education of the school district does not propose to 5199
reduce the rate of any of its taxes, the second sentence of the 5200
ballot language shall not be used for residents of that district. 5201
In any case, the first sentence of the ballot language shall be 5202
the same for all the electors in the county school financing 5203
district, but the second sentence shall be different in each 5204
school district depending on whether and in what amount the board 5205
of education of the school district proposes to reduce the rate of 5206
one or more of its property taxes. 5207

(4) If the rate of a school district property tax is reduced 5208
pursuant to this division, the tax commissioner shall compute the 5209
percentage required to be computed for that tax under division (D) 5210
of section 319.301 of the Revised Code each year the rate is 5211
reduced as if the tax had been levied in the preceding year at the 5212
rate to which it has been reduced. If the reduced rate of a tax is 5213
increased under division (E)(5) of this section, the commissioner 5214
shall compute the percentage required to be computed for that tax 5215
under division (D) of section 319.301 of the Revised Code each 5216
year the rate is increased as if the tax had been levied in the 5217
preceding year at the rate to which it has been increased. 5218

(5) After the levying of a county school financing district 5219
tax in conjunction with the reduction of the rate of one or more 5220
school district taxes is approved by the electors under this 5221
division, if the rate of the county school financing district tax 5222
is decreased pursuant to an election under section 5705.261 of the 5223
Revised Code, the rate of each school district tax that had been 5224
reduced shall be increased by the number of mills obtained by 5225

5226 multiplying the number of mills of the original reduction by the
5227 same percentage that the financing district tax rate is decreased.
5228 If the county school financing district tax is repealed pursuant
5229 to an election under section 5705.261 of the Revised Code, each
5230 school district may resume levying the property taxes that had
5231 been reduced at the full rate originally approved by the electors.
5232 A reduction in the rate of a school district property tax under
5233 this division is a reduction in the rate at which the board of
5234 education may levy that tax only for the period during which the
5235 county school financing district tax is levied prior to any
5236 decrease or repeal under section 5705.261 of the Revised Code. The
5237 resumption of the authority of the board of education to levy an
5238 increased or the full rate of tax does not constitute the levying
5239 of a new tax in excess of the ten-mill limitation.

Sec. 5705.216. 5240 A board of education that has issued notes in
5241 anticipation of the proceeds of a permanent improvements levy in
5242 the maximum amount permitted under division ~~(C)~~(D)(2) or (3) of
5243 section 5705.21 of the Revised Code or a taxing authority of a
5244 county school financing district that has issued notes in
5245 anticipation of the proceeds of a levy in the maximum amount
5246 permitted under section 5705.215 of the Revised Code may, if the
5247 proceeds from the issuance of such notes have been spent,
5248 contracted, or encumbered, apply to the superintendent of public
5249 instruction for authorization to anticipate a fraction of the
5250 remaining estimated proceeds of the levy and issue anticipation
5251 notes for that purpose. The application shall be in such form and
5252 contain such information as the superintendent considers necessary
5253 and shall specify the amount of notes to be issued. The amount
5254 shall not exceed the following:

(A) In the case of a school district: 5255

(1) For levies described under division ~~(C)~~(D)(2) of section 5256

5705.21 of the Revised Code, the amount by which the total 5257
estimated proceeds of the levy remaining to be collected 5258
throughout its life exceeds the amount from such proceeds required 5259
to pay the principal and interest on notes issued under section 5260
5705.21 of the Revised Code and the interest on any notes issued 5261
under this section; 5262

(2) For levies described under division ~~(C)~~(D)(3) of section 5263
5705.21 of the Revised Code, the amount by which the total 5264
estimated proceeds of the levy remaining to be collected over the 5265
specified number of years authorized for the issuance of the notes 5266
exceeds the amount from such proceeds required to pay the 5267
principal and interest on notes issued under section 5705.21 of 5268
the Revised Code and the interest on any notes issued under this 5269
section. 5270

(B) In the case of a county school financing district, the 5271
amount by which the total estimated proceeds of the levy remaining 5272
to be collected for the first five years of its life exceed the 5273
amount from such proceeds required to pay the principal and 5274
interest on notes issued under section 5705.215 of the Revised 5275
Code and the interest on any notes issued under this section. 5276

The superintendent shall examine the application and any 5277
other relevant information submitted and shall determine and 5278
certify the maximum amount of notes the district may issue under 5279
this section, which may be an amount less than the amount 5280
requested by the district. 5281

If the superintendent determines that the anticipated 5282
proceeds from the levy may be significantly less than expected and 5283
that additional notes should not be issued, ~~he~~ the superintendent 5284
may deny the application and give written notice of the denial to 5285
the president of the district's board of education or the taxing 5286
authority. 5287

Such notes shall be sold in the same manner as notes issued 5288
under section 5705.21 or 5705.215 of the Revised Code. 5289

Sec. 5705.218. (A) The board of education of a city, local, 5290
or exempted village school district, at any time by a vote of 5291
two-thirds of all its members, may declare by resolution that it 5292
may be necessary for the school district to issue general 5293
obligation bonds for permanent improvements. The resolution shall 5294
state all of the following: 5295

(1) The necessity and purpose of the bond issue; 5296

(2) The date of the special election at which the question 5297
shall be submitted to the electors; 5298

(3) The amount, approximate date, estimated rate of interest, 5299
and maximum number of years over which the principal of the bonds 5300
may be paid; 5301

(4) The necessity of levying a tax outside the ten-mill 5302
limitation to pay debt charges on the bonds and any anticipatory 5303
securities. 5304

On adoption of the resolution, the board shall certify a copy 5305
of it to the county auditor. The county auditor promptly shall 5306
estimate and certify to the board the average annual property tax 5307
rate required throughout the stated maturity of the bonds to pay 5308
debt charges on the bonds, in the same manner as under division 5309
(C) of section 133.18 of the Revised Code. 5310

(B) After receiving the county auditor's certification under 5311
division (A) of this section, the board of education of the city, 5312
local, or exempted village school district, by a vote of 5313
two-thirds of all its members, may declare by resolution that the 5314
amount of taxes that can be raised within the ten-mill limitation 5315
will be insufficient to provide an adequate amount for the present 5316
and future requirements of the school district; that it is 5317

necessary to issue general obligation bonds of the school district 5318
for permanent improvements and to levy an additional tax in excess 5319
of the ten-mill limitation to pay debt charges on the bonds and 5320
any anticipatory securities; that it is necessary for a specified 5321
number of years or for a continuing period of time to levy 5322
additional taxes in excess of the ten-mill limitation to provide 5323
funds for the acquisition, construction, enlargement, renovation, 5324
and financing of permanent improvements or to pay for current 5325
operating expenses, or both; and that the question of the bonds 5326
and taxes shall be submitted to the electors of the school 5327
district at a special election, which shall not be earlier than 5328
ninety days after certification of the resolution to the board of 5329
elections, and the date of which shall be consistent with section 5330
3501.01 of the Revised Code. The resolution shall specify all of 5331
the following: 5332

(1) The county auditor's estimate of the average annual 5333
property tax rate required throughout the stated maturity of the 5334
bonds to pay debt charges on the bonds; 5335

(2) The proposed rate of the tax, if any, for current 5336
operating expenses, the first year the tax will be levied, and the 5337
number of years it will be levied, or that it will be levied for a 5338
continuing period of time; 5339

(3) The proposed rate of the tax, if any, for permanent 5340
improvements, the first year the tax will be levied, and the 5341
number of years it will be levied, or that it will be levied for a 5342
continuing period of time. 5343

The resolution shall apportion the annual rate of the tax 5344
between current operating expenses and permanent improvements, if 5345
both taxes are proposed. The apportionment may but need not be the 5346
same for each year of the tax, but the respective portions of the 5347
rate actually levied each year for current operating expenses and 5348
permanent improvements shall be limited by the apportionment. The 5349

resolution shall go into immediate effect upon its passage, and no 5350
publication of it is necessary other than that provided in the 5351
notice of election. The board of education shall certify a copy of 5352
the resolution, along with copies of the auditor's estimate and 5353
its resolution under division (A) of this section, to the board of 5354
elections immediately after its adoption. 5355

(C) The board of elections shall make the arrangements for 5356
the submission ~~of the question~~ to the electors of the school 5357
district the question proposed under division (B) or (J) of this 5358
section, and the election shall be conducted, canvassed, and 5359
certified in the same manner as regular elections in the district 5360
for the election of county officers. The resolution shall be put 5361
before the electors as one ballot question, with a favorable vote 5362
indicating approval of the bond issue, the levy to pay debt 5363
charges on the bonds and any anticipatory securities, the current 5364
operating expenses levy, ~~and~~ the permanent improvements levy, ~~if~~ 5365
~~either or both levies are~~ and the levy for the current expenses of 5366
a municipal school district and of qualifying community schools, 5367
as those levies may be proposed. The board of elections shall 5368
publish notice of the election in a newspaper of general 5369
circulation in the school district once a week for two consecutive 5370
weeks, or as provided in section 7.16 of the Revised Code, prior 5371
to the election. If a board of elections operates and maintains a 5372
web site, that board also shall post notice of the election on its 5373
web site for thirty days prior to the election. The notice of 5374
election shall state all of the following: 5375

(1) The principal amount of the proposed bond issue; 5376

(2) The permanent improvements for which the bonds are to be 5377
issued; 5378

(3) The maximum number of years over which the principal of 5379
the bonds may be paid; 5380

(4) The estimated additional average annual property tax rate 5381
to pay the debt charges on the bonds, as certified by the county 5382
auditor; 5383

(5) The proposed rate of the additional tax, if any, for 5384
current operating expenses and, if the question is proposed under 5385
division (J) of this section, the portion of the rate to be 5386
allocated to the school district and the portion to be allocated 5387
to qualifying community schools; 5388

(6) The number of years the current operating expenses tax 5389
will be in effect, or that it will be in effect for a continuing 5390
period of time; 5391

(7) The proposed rate of the additional tax, if any, for 5392
permanent improvements; 5393

(8) The number of years the permanent improvements tax will 5394
be in effect, or that it will be in effect for a continuing period 5395
of time; 5396

(9) The time and place of the special election. 5397

(D) The form of the ballot for an election under this section 5398
is as follows: 5399

"Shall the school district be authorized to do the 5400
following: 5401

(1) Issue bonds for the purpose of in the 5402
principal amount of \$....., to be repaid annually over a maximum 5403
period of years, and levy a property tax outside the 5404
ten-mill limitation, estimated by the county auditor to average 5405
over the bond repayment period mills for each one dollar of 5406
tax valuation, which amounts to (rate expressed in cents or 5407
dollars and cents, such as "36 cents" or "\$1.41") for each \$100 of 5408
tax valuation, to pay the annual debt charges on the bonds, and to 5409
pay debt charges on any notes issued in anticipation of those 5410

bonds?" 5411

If either a levy for permanent improvements or a levy for 5412
current operating expenses is proposed, or both are proposed, the 5413
ballot also shall contain the following language, as appropriate: 5414

"(2) Levy an additional property tax to provide funds for the 5415
acquisition, construction, enlargement, renovation, and financing 5416
of permanent improvements at a rate not exceeding mills 5417
for each one dollar of tax valuation, which amounts to 5418
(rate expressed in cents or dollars and cents) for each \$100 of 5419
tax valuation, for (number of years of the levy, or a 5420
continuing period of time)? 5421

(3) Levy an additional property tax to pay current operating 5422
expenses at a rate not exceeding mills for each one dollar 5423
of tax valuation, which amounts to (rate expressed in 5424
cents or dollars and cents) for each \$100 of tax valuation, for 5425
..... (number of years of the levy, or a continuing period of 5426
time)? 5427

	FOR THE BOND ISSUE AND LEVY (OR LEVIES)		5428
	AGAINST THE BOND ISSUE AND LEVY (OR LEVIES)	"	5429

If the question is proposed under division (J) of this 5432
section, the form of the ballot shall be modified as prescribed by 5433
division (J)(5) of this section. 5434

(E) The board of elections promptly shall certify the results 5435
of the election to the tax commissioner and the county auditor of 5436
the county in which the school district is located. If a majority 5437
of the electors voting on the question vote for it, the board of 5438
education may proceed with issuance of the bonds and with the levy 5439
and collection of the property tax or taxes at the additional rate 5440
or any lesser rate in excess of the ten-mill limitation. Any 5441

securities issued by the board of education under this section are 5442
Chapter 133. securities, as that term is defined in section 133.01 5443
of the Revised Code. 5444

(F)(1) After the approval of a tax for current operating 5445
expenses under this section and prior to the time the first 5446
collection and distribution from the levy can be made, the board 5447
of education may anticipate a fraction of the proceeds of such 5448
levy and issue anticipation notes in a principal amount not 5449
exceeding fifty per cent of the total estimated proceeds of the 5450
tax to be collected during the first year of the levy. 5451

(2) After the approval of a tax under this section for 5452
permanent improvements having a specific purpose, the board of 5453
education may anticipate a fraction of the proceeds of such tax 5454
and issue anticipation notes in a principal amount not exceeding 5455
fifty per cent of the total estimated proceeds of the tax 5456
remaining to be collected in each year over a period of five years 5457
after issuance of the notes. 5458

(3) After the approval of a tax for general, on-going 5459
permanent improvements under this section, the board of education 5460
may anticipate a fraction of the proceeds of such tax and issue 5461
anticipation notes in a principal amount not exceeding fifty per 5462
cent of the total estimated proceeds of the tax to be collected in 5463
each year over a specified period of years, not exceeding ten, 5464
after issuance of the notes. 5465

Anticipation notes under this section shall be issued as 5466
provided in section 133.24 of the Revised Code. Notes issued under 5467
division (F)(1) or (2) of this section shall have principal 5468
payments during each year after the year of their issuance over a 5469
period not to exceed five years, and may have a principal payment 5470
in the year of their issuance. Notes issued under division (F)(3) 5471
of this section shall have principal payments during each year 5472
after the year of their issuance over a period not to exceed ten 5473

years, and may have a principal payment in the year of their 5474
issuance. 5475

(G) A tax for current operating expenses or for permanent 5476
improvements levied under this section for a specified number of 5477
years may be renewed or replaced in the same manner as a tax for 5478
current operating expenses or for permanent improvements levied 5479
under section 5705.21 of the Revised Code. A tax for current 5480
operating expenses or for permanent improvements levied under this 5481
section for a continuing period of time may be decreased in 5482
accordance with section 5705.261 of the Revised Code. 5483

(H) The submission of a question to the electors under this 5484
section is subject to the limitation on the number of elections 5485
that can be held in a year under section 5705.214 of the Revised 5486
Code. 5487

(I) A school district board of education proposing a ballot 5488
measure under this section to generate local resources for a 5489
project under the school building assistance expedited local 5490
partnership program under section 3318.36 of the Revised Code may 5491
combine the questions under division (D) of this section with a 5492
question for the levy of a property tax to generate moneys for 5493
maintenance of the classroom facilities acquired under that 5494
project as prescribed in section 3318.361 of the Revised Code. 5495

(J)(1) After receiving the county auditor's certification 5496
under division (A) of this section, the board of education of a 5497
municipal school district, by a vote of two-thirds of all its 5498
members, may declare by resolution that it is necessary to levy a 5499
tax in excess of the ten-mill limitation for the purpose of paying 5500
the current expenses of the school district and of qualifying 5501
community schools, as defined in section 5705.21 of the Revised 5502
Code; that it is necessary to issue general obligation bonds of 5503
the school district for permanent improvements of the district and 5504
to levy an additional tax in excess of the ten-mill limitation to 5505

pay debt charges on the bonds and any anticipatory securities; and 5506
that the question of the bonds and taxes shall be submitted to the 5507
electors of the school district at a special election, which shall 5508
not be earlier than ninety days after certification of the 5509
resolution to the board of elections, and the date of which shall 5510
be consistent with section 3505.01 of the Revised Code. 5511

The levy of taxes for the current expenses of a qualifying 5512
community school under division (J) of this section and the 5513
distribution of proceeds from the tax by a municipal school 5514
district to qualifying community schools is hereby determined to 5515
be a proper public purpose. 5516

(2) The tax for the current expenses of the school district 5517
and of qualifying community schools is subject to the requirements 5518
of divisions (B)(3), (4), and (5) of section 5705.21 of the 5519
Revised Code. 5520

(3) In addition to the required specifications of the 5521
resolution under division (B) of this section, the resolution 5522
shall express the rate of the tax in mills per dollar of taxable 5523
value and state the number of the mills to be levied for the 5524
current expenses of the qualifying community schools and the 5525
number of the mills to be levied for the current expenses of the 5526
school district. 5527

The resolution shall go into immediate effect upon its 5528
passage, and no publication of it is necessary other than that 5529
provided in the notice of election. The board of education shall 5530
certify a copy of the resolution, along with copies of the 5531
auditor's estimate and its resolution under division (A) of this 5532
section, to the board of elections immediately after its adoption. 5533

(4) The form of the ballot shall be modified by replacing 5534
division (D)(3) of this section with the following: 5535

"Levy an additional property tax for the purpose of the 5536

current expenses of the school district and of qualifying 5537
community schools at a rate not exceeding (insert the 5538
number of mills) mills for each one dollar of valuation (of which 5539
. (insert the number of mills to be allocated to qualifying 5540
community schools) mills is to be allocated to qualifying 5541
community schools), which amounts to (insert the rate 5542
expressed in dollars and cents) for each one hundred dollars of 5543
valuation, for (insert the number of years the levy is to 5544
be imposed, or that it will be levied for a continuing period of 5545
time)? 5546

	<u>FOR THE BOND ISSUE AND LEVY (OR LEVIES)</u>	
	<u>AGAINST THE BOND ISSUE AND LEVY (OR LEVIES)</u>	"

(5) After the approval of a tax for the current expenses of 5550
the school district and of qualifying community schools under 5551
division (J) of this section, and prior to the time the first 5552
collection and distribution from the levy can be made, the board 5553
of education may anticipate a fraction of the proceeds of the levy 5554
for the current expenses of the school district and issue 5555
anticipation notes in a principal amount not exceeding fifty per 5556
cent of the estimated proceeds of the levy to be collected during 5557
the first year of the levy and allocated to the school district. 5558
The portion of levy proceeds to be allocated to qualifying 5559
community schools shall not be included in the estimated proceeds 5560
anticipated under this division and shall not be used to pay debt 5561
charges on any anticipation notes. 5562

The notes shall be issued as provided in section 133.24 of 5563
the Revised Code, shall have principal payments during each year 5564
after the year of their issuance over a period not to exceed five 5565
years, and may have a principal payment in the year of their 5566
issuance. 5567

(6) A tax for the current expenses of the school district and 5568

of qualifying community schools levied under division (J) of this 5569
section for a specified number of years may be renewed or replaced 5570
in the same manner as a tax for the current expenses of a school 5571
district and of qualifying community schools levied under division 5572
(B) of section 5705.21 of the Revised Code. A tax for the current 5573
expenses of the school district and of qualifying community 5574
schools levied under this division for a continuing period of time 5575
may be decreased in accordance with section 5705.261 of the 5576
Revised Code. 5577

(7) The proceeds from the issuance of the general obligation 5578
bonds under division (J) of this section shall be used solely to 5579
pay for permanent improvements of the school district and not for 5580
permanent improvements of qualifying community schools. 5581

Sec. 5705.251. (A) A copy of a resolution adopted under 5582
section 5705.212 or 5705.213 of the Revised Code shall be 5583
certified by the board of education to the board of elections of 5584
the proper county not less than ninety days before the date of the 5585
election specified in the resolution, and the board of elections 5586
shall submit the proposal to the electors of the school district 5587
at a special election to be held on that date. The board of 5588
elections shall make the necessary arrangements for the submission 5589
of the question or questions to the electors of the school 5590
district, and the election shall be conducted, canvassed, and 5591
certified in the same manner as regular elections in the school 5592
district for the election of county officers. Notice of the 5593
election shall be published in a newspaper of general circulation 5594
in the subdivision once a week for two consecutive weeks, or as 5595
provided in section 7.16 of the Revised Code, prior to the 5596
election. If the board of elections operates and maintains a web 5597
site, the board of elections shall post notice of the election on 5598
its web site for thirty days prior to the election. 5599

(1) In the case of a resolution adopted under section 5600
5705.212 of the Revised Code, the notice shall state separately, 5601
for each tax being proposed, the purpose; the proposed increase in 5602
rate, expressed in dollars and cents for each one hundred dollars 5603
of valuation as well as in mills for each one dollar of valuation; 5604
the number of years during which the increase will be in effect; 5605
and the first calendar year in which the tax will be due. For an 5606
election on the question of a renewal levy, the notice shall state 5607
the purpose; the proposed rate, expressed in dollars and cents for 5608
each one hundred dollars of valuation as well as in mills for each 5609
one dollar of valuation; and the number of years the tax will be 5610
in effect. If the resolution is adopted under division (C) of that 5611
section, the rate of each tax being proposed shall be expressed as 5612
both the total rate and the portion of the total rate to be 5613
allocated to the municipal school district and the portion to be 5614
allocated to qualifying community schools. 5615

(2) In the case of a resolution adopted under section 5616
5705.213 of the Revised Code, the notice shall state the purpose; 5617
the amount proposed to be raised by the tax in the first year it 5618
is levied; the estimated average additional tax rate for the first 5619
year it is proposed to be levied, expressed in mills for each one 5620
dollar of valuation and in dollars and cents for each one hundred 5621
dollars of valuation; the number of years during which the 5622
increase will be in effect; and the first calendar year in which 5623
the tax will be due. The notice also shall state the amount by 5624
which the amount to be raised by the tax may be increased in each 5625
year after the first year. The amount of the allowable increase 5626
may be expressed in terms of a dollar increase over, or a 5627
percentage of, the amount raised by the tax in the immediately 5628
preceding year. For an election on the question of a renewal levy, 5629
the notice shall state the purpose; the amount proposed to be 5630
raised by the tax; the estimated tax rate, expressed in mills for 5631
each one dollar of valuation and in dollars and cents for each one 5632

hundred dollars of valuation; and the number of years the tax will 5633
be in effect. 5634

In any case, the notice also shall state the time and place 5635
of the election. 5636

(B)(1) The form of the ballot in an election on taxes 5637
proposed under section 5705.212 of the Revised Code shall be as 5638
follows: 5639

"Shall the school district be authorized to levy 5640
taxes for current expenses, the aggregate rate of which may 5641
increase in (number) increment(s) of not more than 5642
mill(s) for each dollar of valuation, from an original rate of 5643
..... mill(s) for each dollar of valuation, which amounts to 5644
..... (rate expressed in dollars and cents) for each one hundred 5645
dollars of valuation, to a maximum rate of mill(s) for each 5646
dollar of valuation, which amounts to (rate expressed in 5647
dollars and cents) for each one hundred dollars of valuation? The 5648
original tax is first proposed to be levied in (the first 5649
year of the tax), and the incremental tax in (the first 5650
year of the increment) (if more than one incremental tax is 5651
proposed in the resolution, the first year that each incremental 5652
tax is proposed to be levied shall be stated in the preceding 5653
format, and the increments shall be referred to as the first, 5654
second, third, or fourth increment, depending on their number). 5655
The aggregate rate of tax so authorized will (insert 5656
either, "expire with the original rate of tax which shall be in 5657
effect for years" or "be in effect for a continuing period 5658
of time"). 5659

	FOR THE TAX LEVIES
	AGAINST THE TAX LEVIES

"

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5661
5662
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If the tax is proposed by a municipal school district under division (C)(1) of section 5705.212 of the Revised Code, the form of the ballot shall be modified by adding, after the phrase "each dollar of valuation," the following: "(of which mills is to be allocated to qualifying community schools)."

(2) The form of the ballot in an election on the question of a renewal levy under section 5705.212 of the Revised Code shall be as follows:

"Shall the school district be authorized to renew a tax for current expenses at a rate not exceeding mills for each dollar of valuation, which amounts to (rate expressed in dollars and cents) for each one hundred dollars of valuation, for (number of years the levy shall be in effect, or a continuing period of time)?

	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

If the tax is proposed by a municipal school district under division (C)(2) of section 5705.212 of the Revised Code and the total rate and the rates allocated to the school district and qualifying community schools are to remain the same as those of the levy being renewed, the form of the ballot shall be modified by adding, after the phrase "each dollar of valuation," the following: "(of which mills is to be allocated to qualifying community schools)." If the total rate is to be increased, the form of the ballot shall state that the proposal is to renew the existing tax with an increase in rate and shall state the increase in rate, the total rate resulting from the increase, and, of that rate, the portion of the rate to be allocated to qualifying community schools. If the total rate is to be

decreased, the form of the ballot shall state that the proposal is 5695
to renew a part of the existing tax and shall state the reduction 5696
in rate, the total rate resulting from the decrease, and, of that 5697
rate, the portion of the rate to be allocated to qualifying 5698
community schools. 5699

(3) If a tax proposed by a ballot form prescribed in division 5700
(B)(1) or (2) of this section is to be placed on the current tax 5701
list, the form of the ballot shall be modified by adding, after 5702
the statement of the number of years the levy is to be in effect, 5703
the phrase ", commencing in (first year the tax is to 5704
be levied), first due in calendar year (first calendar 5705
year in which the tax shall be due)." 5706

(C) The form of the ballot in an election on a tax proposed 5707
under section 5705.213 of the Revised Code shall be as follows: 5708

"Shall the school district be authorized to levy the 5709
following tax for current expenses? The tax will first be levied 5710
in (year) to raise (dollars). In the (number 5711
of years) following years, the tax will increase by not more than 5712
..... (per cent or dollar amount of increase) each year, so that, 5713
during (last year of the tax), the tax will raise 5714
approximately (dollars). The county auditor estimates that 5715
the rate of the tax per dollar of valuation will be 5716
mill(s), which amounts to \$...... per one hundred dollars of 5717
valuation, both during (first year of the tax) and 5718
mill(s), which amounts to \$...... per one hundred dollars of 5719
valuation, during (last year of the tax). The tax will not 5720
be levied after (year). 5721

5722

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

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The form of the ballot in an election on the question of a renewal levy under section 5705.213 of the Revised Code shall be as follows:

"Shall the school district be authorized to renew a tax for current expenses which will raise (dollars), estimated by the county auditor to be mills for each dollar of valuation, which amounts to (rate expressed in dollars and cents) for each one hundred dollars of valuation? The tax shall be in effect for (the number of years the levy shall be in effect, or a continuing period of time).

	FOR THE TAX LEVY	"
	AGAINST THE TAX LEVY	

If the tax is to be placed on the current tax list, the form of the ballot shall be modified by adding, after the statement of the number of years the levy is to be in effect, the phrase ", commencing in (first year the tax is to be levied), first due in calendar year (first calendar year in which the tax shall be due)."

(D) The question covered by a resolution adopted under section 5705.212 or 5705.213 of the Revised Code shall be submitted as a separate question, but may be printed on the same ballot with any other question submitted at the same election, other than the election of officers. More than one question may be submitted at the same election.

(E) Taxes voted in excess of the ten-mill limitation under division (B) or (C) of this section shall be certified to the tax commissioner. If an additional tax is to be placed upon the tax list of the current year, as specified in the resolution providing for its submission, the result of the election shall be certified

immediately after the canvass by the board of elections to the 5757
board of education. The board of education immediately shall make 5758
the necessary levy and certify it to the county auditor, who shall 5759
extend it on the tax list for collection. After the first year, 5760
the levy shall be included in the annual tax budget that is 5761
certified to the county budget commission. 5762

Sec. 5705.261. The question of decrease of an increased rate 5763
of levy approved for a continuing period of time by the voters of 5764
a subdivision may be initiated by the filing of a petition with 5765
the board of elections of the proper county not less than ninety 5766
days before the general election in any year requesting that an 5767
election be held on such question. Such petition shall state the 5768
amount of the proposed decrease in the rate of levy and shall be 5769
signed by qualified electors residing in the subdivision equal in 5770
number to at least ten per cent of the total number of votes cast 5771
in the subdivision for the office of governor at the most recent 5772
general election for that office. Only one such petition may be 5773
filed during each five-year period following the election at which 5774
the voters approved the increased rate for a continuing period of 5775
time. 5776

After determination by it that such petition is valid, the 5777
board of elections shall submit the question to the electors of 5778
the district at the succeeding general election. The election 5779
shall be conducted, canvassed, and certified in the same manner as 5780
regular elections in such subdivision for county offices. Notice 5781
of the election shall be published in a newspaper of general 5782
circulation in the district once a week for two consecutive weeks, 5783
or as provided in section 7.16 of the Revised Code, prior to the 5784
election. If the board of elections operates and maintains a web 5785
site, the board of elections shall post notice of the election on 5786
its web site for thirty days prior to the election. The notice 5787
shall state the purpose, the amount of the proposed decrease in 5788

rate, and the time and place of the election. The form of the 5789
ballot cast at such election shall be prescribed by the secretary 5790
of state. The question covered by such petition shall be submitted 5791
as a separate proposition but it may be printed on the same ballot 5792
with any other propositions submitted at the same election other 5793
than the election of officers. If a majority of the qualified 5794
electors voting on the question of a decrease at such election 5795
approve the proposed decrease in rate, the result of the election 5796
shall be certified immediately after the canvass by the board of 5797
elections to the subdivision's taxing authority, which shall 5798
thereupon, after the current year, cease to levy such increased 5799
rate or levy such tax at such reduced rate upon the duplicate of 5800
the subdivision. If notes have been issued in anticipation of the 5801
collection of such levy, the taxing authority shall continue to 5802
levy and collect under authority of the election authorizing the 5803
original levy such amounts as will be sufficient to pay the 5804
principal of and interest on such anticipation notes as the same 5805
fall due. 5806

In the case of a levy for the current expenses of a municipal 5807
school district and of qualifying community schools imposed under 5808
section 5705.192, division (B) of section 5705.21, division (C) of 5809
section 5705.212, or division (J) of section 5705.218 of the 5810
Revised Code for a continuing period of time, the rate allocated 5811
to the school district and to qualifying community schools shall 5812
each be decreased by a number of mills per dollar that is 5813
proportionate to the decrease in the rate of the levy in 5814
proportion to the rate at which the levy was imposed before the 5815
decrease. 5816

Sec. 5748.01. As used in this chapter: 5817

(A) "School district income tax" means an income tax adopted 5818
under one of the following: 5819

(1) Former section 5748.03 of the Revised Code as it existed	5820
prior to its repeal by Amended Substitute House Bill No. 291 of	5821
the 115th general assembly;	5822
(2) Section 5748.03 of the Revised Code as enacted in	5823
Substitute Senate Bill No. 28 of the 118th general assembly;	5824
(3) Section 5748.08 of the Revised Code as enacted in Amended	5825
Substitute Senate Bill No. 17 of the 122nd general assembly;	5826
(4) Section 5748.021 of the Revised Code;	5827
(5) Section 5748.081 of the Revised Code;	5828
(6) Section 5748.09 of the Revised Code.	5829
(B) "Individual" means an individual subject to the tax	5830
levied by section 5747.02 of the Revised Code.	5831
(C) "Estate" means an estate subject to the tax levied by	5832
section 5747.02 of the Revised Code.	5833
(D) "Taxable year" means a taxable year as defined in	5834
division (M) of section 5747.01 of the Revised Code.	5835
(E) "Taxable income" means:	5836
(1) In the case of an individual, one of the following, as	5837
specified in the resolution imposing the tax:	5838
(a) Ohio adjusted gross income for the taxable year as	5839
defined in division (A) of section 5747.01 of the Revised Code,	5840
less the exemptions provided by section 5747.02 of the Revised	5841
Code;	5842
(b) Wages, salaries, tips, and other employee compensation to	5843
the extent included in Ohio adjusted gross income as defined in	5844
section 5747.01 of the Revised Code, and net earnings from	5845
self-employment, as defined in section 1402(a) of the Internal	5846
Revenue Code, to the extent included in Ohio adjusted gross	5847
income.	5848

(2) In the case of an estate, taxable income for the taxable year as defined in division (S) of section 5747.01 of the Revised Code. 5849
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(F) "Resident" of the school district means: 5852

(1) An individual who is a resident of this state as defined in division (I) of section 5747.01 of the Revised Code during all or a portion of the taxable year and who, during all or a portion of such period of state residency, is domiciled in the school district or lives in and maintains a permanent place of abode in the school district; 5853
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(2) An estate of a decedent who, at the time of death, was domiciled in the school district. 5859
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(G) "School district income" means: 5861

(1) With respect to an individual, the portion of the taxable income of an individual that is received by the individual during the portion of the taxable year that the individual is a resident of the school district and the school district income tax is in effect in that school district. An individual may have school district income with respect to more than one school district. 5862
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(2) With respect to an estate, the taxable income of the estate for the portion of the taxable year that the school district income tax is in effect in that school district. 5868
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(H) "Taxpayer" means an individual or estate having school district income upon which a school district income tax is imposed. 5871
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(I) "School district purposes" means any of the purposes for which a tax may be levied pursuant to division (A) of section 5705.21 of the Revised Code, including the combined purposes authorized by section 5705.217 of the Revised Code. 5874
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Section 2. That existing sections 124.36, 2903.13, 2921.02, 5878

3302.03, 3302.04, 3302.061, 3307.01, 3311.71, 3311.72, 3311.74, 5879
3311.76, 3313.41, 3313.411, 3313.975, 3314.012, 3314.016, 3314.10, 5880
3314.35, 3314.36, 3316.07, 3318.08, 3319.02, 3319.071, 3319.10, 5881
3319.112, 3319.12, 3319.13, 3319.14, 3319.141, 3319.143, 3319.151, 5882
3319.18, 3319.283, 4141.29, 5705.192, 5705.21, 5705.212, 5705.215, 5883
5705.216, 5705.218, 5705.251, 5705.261, and 5748.01 of the Revised 5884
Code are hereby repealed. 5885

Section 3. The amendment by this act of sections 5705.192, 5886
5705.21, 5705.212, 5705.215, 5705.216, 5705.218, 5705.251, 5887
5705.261, and 5748.01 of the Revised Code apply to any proceedings 5888
commenced after their effective date, and, so far as their 5889
provisions support the actions taken, also apply to any 5890
proceedings that on their effective date are pending, in progress, 5891
or completed, to any elections authorized, conducted, or 5892
certified, and to securities authorized or issued pursuant to 5893
those proceedings, notwithstanding any law, resolution, ordinance, 5894
order, advertisement, notice, or other proceeding in effect before 5895
their effective date. Any proceedings pending or in progress on, 5896
or completed by or before, the effective date of those amendments, 5897
elections authorized, conducted, or certified, and securities 5898
sold, issued, and delivered, or validated, pursuant to those 5899
proceedings, shall be deemed to have been taken, authorized, 5900
conducted, certified, sold, issued, delivered, or validated in 5901
conformity with those amendments so far as their provisions 5902
support the actions taken, and are hereby ratified and confirmed. 5903

The amendment by this act of sections 5705.192, 5705.21, 5904
5705.212, 5705.215, 5705.216, 5705.218, 5705.251, 5705.261, and 5905
5748.01 of the Revised Code provide additional or supplemental 5906
provisions for subject matter that may also be the subject of 5907
other laws, and is intended to be supplemental to, and not in 5908
derogation of, any similar authority provided by, derived from, or 5909
implied by, the Constitution of Ohio, or any other law, including 5910

laws amended by this act, or any charter, order, resolution, or 5911
ordinance; and those amendments to sections 5705.192, 5705.21, 5912
5705.212, 5705.215, 5705.216, 5705.218, 5705.251, 5705.261, and 5913
5748.01 of the Revised Code shall not be interpreted to negate the 5914
authority provided by, derived from, or implied by such 5915
Constitution of Ohio, laws, charters, orders, resolutions, or 5916
ordinances. 5917

The provisions of law enacted, amended, or repealed by this 5918
act, as existed prior to the act's effective date, shall be deemed 5919
to remain applicable to any actions taken, including any election 5920
held or any securities issued pursuant to or in reliance on them. 5921