

**As Reported by the Senate Education Committee**

**131st General Assembly**

**Regular Session**

**2015-2016**

**Sub. H. B. No. 438**

**Representative Patterson**

**Cosponsors: Representatives Boyd, O'Brien, M., Phillips, Smith, K., Lepore-Hagan, Ramos, Boccieri, Leland, Howse, Slaby, Brenner, Fedor, Cupp, Schaffer, Smith, R., Anielski, Antonio, Barnes, Bishoff, Boggs, Boyce, Brown, Craig, Dovilla, Duffey, Grossman, Hambley, Hayes, Johnson, G., Kuhns, Kunze, Manning, O'Brien, S., Reece, Rezabek, Roegner, Rogers, Ruhl, Ryan, Sheehy, Sweeney, Sykes, Thompson, Young**

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**A BILL**

To amend sections 3313.41, 3313.411, 3313.412, 1  
3313.413, 3313.60, 3318.02, 3318.024, 3318.08, 2  
3318.30, 3319.113, and 5705.10 and to enact 3  
sections 5.235 and 3318.036, and to repeal 4  
section 3318.32 of the Revised Code to designate 5  
the week prior to the week of Thanksgiving Day 6  
as "Ohio Public Education Appreciation Week"; to 7  
require the health curriculum of each school 8  
district to include the instruction on the 9  
positive effects of organ and tissue donation; 10  
to permit school districts not to evaluate 11  
school counselors who are on extended leave or 12  
have submitted a notice of retirement; to modify 13  
the timelines for the sale or lease of real 14  
property by school districts; and to require the 15  
School Facilities Commission to give priority 16  
for project funding to school districts that 17  
resulted from certain types of transfers, 18  
mergers, or consolidations and demonstrate an 19

effective use of facility space as determined by 20  
the Commission. 21

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

**Section 1.** That sections 3313.41, 3313.411, 3313.412, 22  
3313.413, 3313.60, 3318.02, 3318.024, 3318.08, 3318.30, 23  
3319.113, and 5705.10 be amended and sections 5.235 and 3318.036 24  
of the Revised Code be enacted to read as follows: 25

**Sec. 5.235.** The week prior to the week in which 26  
Thanksgiving day occurs is designated as "Ohio Public Education 27  
Appreciation Week." 28

**Sec. 3313.41.** (A) Except as provided in divisions (C), 29  
(D), and (F), ~~and (G)~~ of this section and in ~~section~~ sections 30  
3313.412 and 3313.413 of the Revised Code, when a board of 31  
education decides to dispose of real or personal property that 32  
it owns in its corporate capacity and that exceeds in value ten 33  
thousand dollars, it shall sell the property at public auction, 34  
after giving at least thirty days' notice of the auction by 35  
publication in a newspaper of general circulation in the school 36  
district, by publication as provided in section 7.16 of the 37  
Revised Code, or by posting notices in five of the most public 38  
places in the school district in which the property, if it is 39  
real property, is situated, or, if it is personal property, in 40  
the school district of the board of education that owns the 41  
property. The board may offer real property for sale as an 42  
entire tract or in parcels. 43

(B) When the board of education has offered real or 44  
personal property for sale at public auction at least once 45

pursuant to division (A) of this section, and the property has 46  
not been sold, the board may sell it at a private sale. 47  
Regardless of how it was offered at public auction, at a private 48  
sale, the board shall, as it considers best, sell real property 49  
as an entire tract or in parcels, and personal property in a 50  
single lot or in several lots. 51

(C) If a board of education decides to dispose of real or 52  
personal property that it owns in its corporate capacity and 53  
that exceeds in value ten thousand dollars, it may sell the 54  
property to the adjutant general; to any subdivision or taxing 55  
authority as respectively defined in section 5705.01 of the 56  
Revised Code, township park district, board of park 57  
commissioners established under Chapter 755. of the Revised 58  
Code, or park district established under Chapter 1545. of the 59  
Revised Code; to a wholly or partially tax-supported university, 60  
university branch, or college; to a nonprofit institution of 61  
higher education that has a certificate of authorization under 62  
Chapter 1713. of the Revised Code; to the governing authority of 63  
a chartered nonpublic school; or to the board of trustees of a 64  
school district library, upon such terms as are agreed upon. The 65  
sale of real or personal property to the board of trustees of a 66  
school district library is limited, in the case of real 67  
property, to a school district library within whose boundaries 68  
the real property is situated, or, in the case of personal 69  
property, to a school district library whose boundaries lie in 70  
whole or in part within the school district of the selling board 71  
of education. 72

(D) When a board of education decides to trade as a part 73  
or an entire consideration, an item of personal property on the 74  
purchase price of an item of similar personal property, it may 75  
trade the same upon such terms as are agreed upon by the parties 76

to the trade. 77

(E) The president and the treasurer of the board of 78  
education shall execute and deliver deeds or other necessary 79  
instruments of conveyance to complete any sale or trade under 80  
this section. 81

(F) When a board of education has identified a parcel of 82  
real property that it determines is needed for school purposes, 83  
the board may, upon a majority vote of the members of the board, 84  
acquire that property by exchanging real property that the board 85  
owns in its corporate capacity for the identified real property 86  
or by using real property that the board owns in its corporate 87  
capacity as part or an entire consideration for the purchase 88  
price of the identified real property. Any exchange or 89  
acquisition made pursuant to this division shall be made by a 90  
conveyance executed by the president and the treasurer of the 91  
board. 92

~~(G) Except as provided in sections 3313.412 and 3313.413~~ 93  
~~of the Revised Code, when a school district board of education~~ 94  
~~decides to dispose of real property, prior to disposing of that~~ 95  
~~property under divisions (A) to (F) of this section, it shall~~ 96  
~~first offer that property for sale to the governing authorities~~ 97  
~~of the start up community schools established under Chapter~~ 98  
~~3314. of the Revised Code, and the board of trustees of any~~ 99  
~~college preparatory boarding school established under Chapter~~ 100  
~~3328. of the Revised Code, that are located within the territory~~ 101  
~~of the school district. The district board shall offer the~~ 102  
~~property at a price that is not higher than the appraised fair~~ 103  
~~market value of that property as determined in an appraisal of~~ 104  
~~the property that is not more than one year old. If more than~~ 105  
~~one community school governing authority or college preparatory~~ 106

~~boarding school board of trustees accepts the offer made by the~~ 107  
~~school district board, the board shall sell the property to the~~ 108  
~~governing authority or board that accepted the offer first in~~ 109  
~~time. If no community school governing authority or college-~~ 110  
~~preparatory boarding school board of trustees accepts the offer~~ 111  
~~within sixty days after the offer is made by the school district~~ 112  
~~board, the board may dispose of the property in the applicable~~ 113  
~~manner prescribed under divisions (A) to (F) of this section.~~ 114

~~(H)~~When a school district board of education has property 115  
that the board, by resolution, finds is not needed for school 116  
district use, is obsolete, or is unfit for the use for which it 117  
was acquired, the board may donate that property in accordance 118  
with this division if the fair market value of the property is, 119  
in the opinion of the board, two thousand five hundred dollars 120  
or less. 121

The property may be donated to an eligible nonprofit 122  
organization that is located in this state and is exempt from 123  
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 124  
Before donating any property under this division, the board 125  
shall adopt a resolution expressing its intent to make unneeded, 126  
obsolete, or unfit-for-use school district property available to 127  
these organizations. The resolution shall include guidelines and 128  
procedures the board considers to be necessary to implement the 129  
donation program and shall indicate whether the school district 130  
will conduct the donation program or the board will contract 131  
with a representative to conduct it. If a representative is 132  
known when the resolution is adopted, the resolution shall 133  
provide contact information such as the representative's name, 134  
address, and telephone number. 135

The resolution shall include within its procedures a 136

requirement that any nonprofit organization desiring to obtain 137  
donated property under this division shall submit a written 138  
notice to the board or its representative. The written notice 139  
shall include evidence that the organization is a nonprofit 140  
organization that is located in this state and is exempt from 141  
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3); 142  
a description of the organization's primary purpose; a 143  
description of the type or types of property the organization 144  
needs; and the name, address, and telephone number of a person 145  
designated by the organization's governing board to receive 146  
donated property and to serve as its agent. 147

After adoption of the resolution, the board shall publish, 148  
in a newspaper of general circulation in the school district or 149  
as provided in section 7.16 of the Revised Code, notice of its 150  
intent to donate unneeded, obsolete, or unfit-for-use school 151  
district property to eligible nonprofit organizations. The 152  
notice shall include a summary of the information provided in 153  
the resolution and shall be published twice. The second notice 154  
shall be published not less than ten nor more than twenty days 155  
after the previous notice. A similar notice also shall be posted 156  
continually in the board's office. If the school district 157  
maintains a web site on the internet, the notice shall be posted 158  
continually at that web site. 159

The board or its representatives shall maintain a list of 160  
all nonprofit organizations that notify the board or its 161  
representative of their desire to obtain donated property under 162  
this division and that the board or its representative 163  
determines to be eligible, in accordance with the requirements 164  
set forth in this section and in the donation program's 165  
guidelines and procedures, to receive donated property. 166

The board or its representative also shall maintain a list 167  
of all school district property the board finds to be unneeded, 168  
obsolete, or unfit for use and to be available for donation 169  
under this division. The list shall be posted continually in a 170  
conspicuous location in the board's office, and, if the school 171  
district maintains a web site on the internet, the list shall be 172  
posted continually at that web site. An item of property on the 173  
list shall be donated to the eligible nonprofit organization 174  
that first declares to the board or its representative its 175  
desire to obtain the item unless the board previously has 176  
established, by resolution, a list of eligible nonprofit 177  
organizations that shall be given priority with respect to the 178  
item's donation. Priority may be given on the basis that the 179  
purposes of a nonprofit organization have a direct relationship 180  
to specific school district purposes of programs provided or 181  
administered by the board. A resolution giving priority to 182  
certain nonprofit organizations with respect to the donation of 183  
an item of property shall specify the reasons why the 184  
organizations are given that priority. 185

Members of the board shall consult with the Ohio ethics 186  
commission, and comply with Chapters 102. and 2921. of the 187  
Revised Code, with respect to any donation under this division 188  
to a nonprofit organization of which a board member, any member 189  
of a board member's family, or any business associate of a board 190  
member is a trustee, officer, board member, or employee. 191

**Sec. 3313.411.** (A) As used in this section: 192

(1) "College-preparatory boarding school" means a college- 193  
preparatory boarding school established under Chapter 3328. of 194  
the Revised Code. 195

(2) "Community school" means a community school 196

established under Chapter 3314. of the Revised Code. 197

(3) "High-performing community school" has the same 198  
meaning as in section 3313.413 of the Revised Code. 199

(4) "Unused school facilities" means any real property 200  
that has been used by a school district for school operations, 201  
including, but not limited to, academic instruction or 202  
administration, since July 1, 1998, but has not been used in 203  
that capacity for two years. 204

(B) (1) Except as provided in ~~sections~~ section 3313.412 and 205  
~~3313.413~~ of the Revised Code, on and after June 30, 2011, any 206  
school district board of education shall offer any unused school 207  
facilities it owns in its corporate capacity for lease or sale 208  
to the governing authorities of community schools, and the board 209  
of trustees of any college-preparatory boarding school, that are 210  
located within the territory of the district. Not later than 211  
sixty days after the district board makes the offer, interested 212  
governing authorities and boards of trustees shall notify the 213  
district treasurer in writing of the intention to lease or 214  
purchase the property. 215

The district board shall give priority to the governing 216  
authorities of high-performing community schools that are 217  
located within the territory of the district. 218

(2) At the same time that a district board makes the offer 219  
required under division (B) (1) of this section, the board also 220  
may, but shall not be required to, offer that property for sale 221  
or lease to the governing authorities of community schools with 222  
plans, stipulated in their contracts entered into under section 223  
3314.03 of the Revised Code, either to relocate their operations 224  
to the territory of the district or to add facilities, as 225



authorized by division (B) (3) or (4) of section 3314.05 of the Revised Code, to be located within the territory of the district.

(C) (1) If, not later than sixty days after the district board makes the offer, only one ~~qualified party governing authority of a high-performing community school~~ offered the property under division (B) of this section notifies the district treasurer in writing of the intention to purchase the property pursuant to that division, the district board shall sell the property to that party for the appraised fair market value of the property as determined in an appraisal of the property that is not more than one year old.

~~(2) If, not later than sixty days after the district board makes the offer, more than one qualified party governing authority of a high-performing community school offered the property under division (B) of this section notifies the district treasurer in writing of the intention to purchase the property pursuant to that division, the board shall conduct a public auction in the manner required for auctions of district property under division (A) of section 3313.41 of the Revised Code. Only the ~~parties offered the property under division (B) of this section governing authorities of high-performing community schools that ~~notify~~ notified~~ the district treasurer of the intention to purchase the property pursuant to division (B) of this section are eligible to bid at the auction. The district board is not obligated to accept any bid for the property that is lower than the appraised fair market value of the property as determined in an appraisal that is not more than one year old.~~

(2) If, not later than sixty days after the district board makes the offer, no governing authority of a high-performing

community school notifies the district treasurer of its 256  
intention to purchase the property pursuant to division (B) of 257  
this section, the board shall then proceed with the offers from 258  
all other start-up community schools and college-preparatory 259  
boarding schools made pursuant to that division. 260

If more than one such entity notifies the district 261  
treasurer of its intention to purchase the property pursuant to 262  
division (B) of this section, the board shall conduct a public 263  
auction in the manner required for auctions of district property 264  
under division (A) of section 3313.41 of the Revised Code. Only 265  
the entities that notified the district treasurer pursuant to 266  
division (B) of this section are eligible to bid at the auction. 267

(3) ~~If more than one qualified party offered the property~~ 268  
~~under division (B) of this section governing authority of a~~ 269  
high-performing community school notifies the district treasurer 270  
in writing of the intention to lease the property pursuant to 271  
division (B) of this section, the district board shall conduct a 272  
lottery to select from among those parties governing authorities 273  
the one qualified party governing authority to which the 274  
district board shall lease the property. 275

If no such governing authority of a high-performing 276  
community school notifies the district treasurer of its 277  
intention to lease the property pursuant to division (B) of this 278  
section, the board shall then proceed with the offers from all 279  
other start-up community schools and college-preparatory 280  
boarding schools made pursuant to that division. If more than 281  
one other start-up community school or college-preparatory 282  
boarding school notified the district treasurer of its intention 283  
to lease the property pursuant to division (B) of this section, 284  
the district board shall conduct a lottery to select from among 285

those parties the one qualified party to which the district 286  
board shall lease the property. 287

(4) The lease price offered by a district board to a 288  
community school or college-preparatory boarding school under 289  
this section shall not be higher than the fair market value for 290  
such a leasehold as determined in an appraisal that is not more 291  
than one year old. 292

(5) If no qualified party offered the property under 293  
division (B) of this section accepts the offer to lease or buy 294  
the property within sixty days after the offer is made, the 295  
district board may offer the property to any other entity in 296  
accordance with divisions (A) to (F) of section 3313.41 of the 297  
Revised Code. 298

(D) Notwithstanding division (B) of this section, a school 299  
district board may renew any agreement it originally entered 300  
into prior to June 30, 2011, to lease real property to an entity 301  
other than a community school or college-preparatory boarding 302  
school. Nothing in this section shall affect the leasehold 303  
arrangements between the district board and that other entity. 304

(E) (1) Except as provided in division (E) (2) of this 305  
section, the governing authority of a community school or the 306  
board of trustees of a college-preparatory boarding school shall 307  
not sell any property purchased under division (B) of this 308  
section within five years of purchasing that property. 309

(2) The governing authority or board of trustees may sell 310  
a property purchased under division (B) of this section within 311  
five years of the purchase, only if the governing authority or 312  
board of trustees sells or transfers that property to another 313  
entity described in that division. 314

**Sec. 3313.412.** A school district board of education may 315  
offer for sale or lease any parcel of real property directly to 316  
the governing body of a STEM school established under Chapter 317  
3326. of the Revised Code without offering that property under 318  
~~divisions~~division (A) and former division (G) of section 319  
3313.41 or under section 3313.411 of the Revised Code, if all of 320  
the following apply: 321

(A) The district board offered that real property for sale 322  
under former division (G) of section 3313.41 of the Revised Code 323  
prior to June 30, 2011. 324

(B) No entity accepted the offer described in division (A) 325  
of this section. 326

(C) The district board still owns that real property and 327  
has decided again to dispose of it by sale or lease. 328

(D) The STEM school, to which the real property is sold or 329  
leased under this section, was approved for operation under 330  
section 3326.03 of the Revised Code between October 1 and 331  
December 31, 2012. 332

**Sec. 3313.413.** (A) As used in this section, "high- 333  
performing community school" means ~~a~~either of the following: 334

(1) A community school established under Chapter 3314. of 335  
the Revised Code that meets the following conditions: 336

~~(1)~~(a) Except as provided in division (A) ~~(2)~~(1) (b) or 337  
~~(3)~~(c) of this section, the school both: 338

~~(a)~~(i) Has received a grade of "A," "B," or "C" for the 339  
performance index score under division (C) (1) (b) of section 340  
3302.03 of the Revised Code or has increased its performance 341  
index score under division (C) (1) (b) of section 3302.03 of the 342

Revised Code in each of the previous three years of operation; 343  
and 344

~~(b)~~ (ii) Has received a grade of "A" or "B" for the value- 345  
added progress dimension under division (C) (1) (e) of section 346  
3302.03 of the Revised Code on its most recent report card 347  
rating issued under that section. 348

~~(2)~~ (b) If the school serves only grades kindergarten 349  
through three, the school received a grade of "A" or "B" for 350  
making progress in improving literacy in grades kindergarten 351  
through three under division (C) (1) (g) of section 3302.03 of the 352  
Revised Code on its most recent report card issued under that 353  
section. 354

~~(3)~~ (c) If the school primarily serves students enrolled 355  
in a dropout prevention and recovery program as described in 356  
division (A) (4) (a) of section 3314.35 of the Revised Code, the 357  
school received a rating of "exceeds standards" on its most 358  
recent report card issued under section 3314.017 of the Revised 359  
Code. 360

(2) A newly established community school that is 361  
implementing a community school model that has a track record of 362  
high-quality academic performance, as determined by the 363  
department of education. 364

(B) When a school district board of education decides to 365  
dispose of real property it owns in its corporate capacity under 366  
section 3313.41 of the Revised Code, ~~prior to offering the board 367~~  
shall first offer that property to the governing authorities of 368  
all start-up community schools and the boards of trustees of any 369  
college-preparatory boarding school that are located in within 370  
the territory of the district as prescribed by division (G) of 371

~~that section, the~~. Not later than sixty days after the district 372  
board makes the offer, interested governing authorities and 373  
boards of trustees shall notify the district treasurer in 374  
writing of the intention to purchase the property. 375

The district board shall first offer that property for 376  
sale give priority to the governing authorities of high- 377  
performing community schools and any newly established community 378  
schools that are implementing a community school model that has 379  
a track record of high quality academic performance, as 380  
determined by the department of education that are located 381  
within the territory of the district. If 382

(1) If more than one governing authority of a high- 383  
performing community school notifies the district treasurer of 384  
its intention to purchase the property pursuant to division (B) 385  
of this section, the board shall conduct a public auction in the 386  
manner required for auctions of district property under division 387  
(A) of section 3313.41 of the Revised Code. Only the governing 388  
authorities of high-performing community schools that notified 389  
the district treasurer pursuant to division (B) of this section 390  
are eligible to bid at the auction. 391

(2) If no such governing authority of a high-performing 392  
community school notifies the district treasurer of its 393  
intention to purchase the property within sixty days after the 394  
offer is made pursuant to division (B) of this section, the board 395  
shall offer that property to then proceed with the offers from 396  
all other start-up community schools and college-preparatory 397  
boarding schools located in the district pursuant to division 398  
(C) of section 3313.41 of the Revised Code and then subsequently 399  
made pursuant to that division. If more than one such entity 400  
notifies the district treasurer of its intention to purchase the 401

property pursuant to division (B) of this section, the board 402  
shall conduct a public auction in the manner required for 403  
auctions of district property under division (A) of section 404  
3313.41 of the Revised Code. Only the entities that notified the 405  
district treasurer pursuant to division (B) of this section are 406  
eligible to bid at the auction. 407

(3) If no governing authority or board of trustees 408  
notifies the district treasurer of its intention to purchase the 409  
property pursuant to division (B) of this section, the district 410  
may then offer the property for sale in the manner prescribed 411  
under divisions (A) to (F) of that section 3313.41 of the 412  
Revised Code. 413

~~(C) When a school district board of education is required~~ 414  
~~to offer unused school facilities for lease or sale pursuant to~~ 415  
~~section 3313.411 of the Revised Code, prior to offering those~~ 416  
~~facilities to all start up community schools and any college~~ 417  
~~preparatory boarding school located in the district as~~ 418  
~~prescribed by that section, the board shall first offer those~~ 419  
~~facilities for lease or sale to the governing authorities of~~ 420  
~~high performing community schools. If no such governing~~ 421  
~~authority notifies the district treasurer of its intention to~~ 422  
~~lease or purchase those facilities within sixty days after the~~ 423  
~~offer is made, the board shall offer those facilities to all~~ 424  
~~start up community schools and college preparatory boarding~~ 425  
~~schools located in the district pursuant to section 3313.411 of~~ 426  
~~the Revised Code.~~ 427

~~(D) Notwithstanding anything to the contrary in sections~~ 428  
~~3313.41 and 3313.411 of the Revised Code, the purchase price of~~ 429  
~~any real property sold to the governing authority of a high~~ 430  
~~performing community school any of the entities in accordance~~ 431

with division (B) of this section ~~and of any unused school-~~ 432  
~~facilities sold to any of those entities in accordance with-~~ 433  
~~division (C) of this section~~ shall not be more than the 434  
appraised fair market value of that property as determined in an 435  
appraisal of the property that is not more than one year old. 436

(D) Not later than the first day of October of each year, 437  
the department of education shall post in a prominent location 438  
on its web site a list of schools that qualify as high- 439  
performing community schools for purposes of this section and 440  
section 3313.411 of the Revised Code. 441

**Sec. 3313.60.** Notwithstanding division (D) of section 442  
3311.52 of the Revised Code, divisions (A) to (E) of this 443  
section do not apply to any cooperative education school 444  
district established pursuant to divisions (A) to (C) of section 445  
3311.52 of the Revised Code. 446

(A) The board of education of each city, exempted village, 447  
and local school district and the board of each cooperative 448  
education school district established, pursuant to section 449  
3311.521 of the Revised Code, shall prescribe a curriculum for 450  
all schools under its control. Except as provided in division 451  
(E) of this section, in any such curriculum there shall be 452  
included the study of the following subjects: 453

(1) The language arts, including reading, writing, 454  
spelling, oral and written English, and literature; 455

(2) Geography, the history of the United States and of 456  
Ohio, and national, state, and local government in the United 457  
States, including a balanced presentation of the relevant 458  
contributions to society of men and women of African, Mexican, 459  
Puerto Rican, and American Indian descent as well as other 460



ethnic and racial groups in Ohio and the United States;	461
(3) Mathematics;	462
(4) Natural science, including instruction in the conservation of natural resources;	463 464
(5) Health education, which shall include instruction in:	465
(a) The nutritive value of foods, including natural and organically produced foods, the relation of nutrition to health, and the use and effects of food additives;	466 467 468
(b) The harmful effects of and legal restrictions against the use of drugs of abuse, alcoholic beverages, and tobacco;	469 470
(c) Venereal disease education, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in venereal disease education;	471 472 473
(d) In grades kindergarten through six, instruction in personal safety and assault prevention, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in personal safety and assault prevention;	474 475 476 477 478
(e) In grades seven through twelve, age-appropriate instruction in dating violence prevention education, which shall include instruction in recognizing dating violence warning signs and characteristics of healthy relationships.	479 480 481 482
In order to assist school districts in developing a dating violence prevention education curriculum, the department of education shall provide on its web site links to free curricula addressing dating violence prevention.	483 484 485 486
If the parent or legal guardian of a student less than	487

eighteen years of age submits to the principal of the student's 488  
school a written request to examine the dating violence 489  
prevention instruction materials used at that school, the 490  
principal, within a reasonable period of time after the request 491  
is made, shall allow the parent or guardian to examine those 492  
materials at that school. 493

(f) Prescription opioid abuse prevention, with an emphasis 494  
on the prescription drug epidemic and the connection between 495  
prescription opioid abuse and addiction to other drugs, such as 496  
heroin; 497

(g) The process of making an anatomical gift under Chapter 498  
2108. of the Revised Code, with an emphasis on the life-saving 499  
and life-enhancing effects of organ and tissue donation. 500

(6) Physical education; 501

(7) The fine arts, including music; 502

(8) First aid, including a training program in 503  
cardiopulmonary resuscitation, which shall comply with section 504  
3313.6021 of the Revised Code when offered in any of grades nine 505  
through twelve, safety, and fire prevention. However, upon 506  
written request of the student's parent or guardian, a student 507  
shall be excused from taking instruction in cardiopulmonary 508  
resuscitation. 509

(B) Except as provided in division (E) of this section, 510  
every school or school district shall include in the 511  
requirements for promotion from the eighth grade to the ninth 512  
grade one year's course of study of American history. A board 513  
may waive this requirement for academically accelerated students 514  
who, in accordance with procedures adopted by the board, are 515  
able to demonstrate mastery of essential concepts and skills of 516

the eighth grade American history course of study. 517

(C) As specified in divisions (B) (6) and (C) (6) of section 518  
3313.603 of the Revised Code, except as provided in division (E) 519  
of this section, every high school shall include in the 520  
requirements for graduation from any curriculum one-half unit 521  
each of American history and government. 522

(D) Except as provided in division (E) of this section, 523  
basic instruction or demonstrated mastery in geography, United 524  
States history, the government of the United States, the 525  
government of the state of Ohio, local government in Ohio, the 526  
Declaration of Independence, the United States Constitution, and 527  
the Constitution of the state of Ohio shall be required before 528  
pupils may participate in courses involving the study of social 529  
problems, economics, foreign affairs, United Nations, world 530  
government, socialism, and communism. 531

(E) For each cooperative education school district 532  
established pursuant to section 3311.521 of the Revised Code and 533  
each city, exempted village, and local school district that has 534  
territory within such a cooperative district, the curriculum 535  
adopted pursuant to divisions (A) to (D) of this section shall 536  
only include the study of the subjects that apply to the grades 537  
operated by each such school district. The curriculums for such 538  
schools, when combined, shall provide to each student of these 539  
districts all of the subjects required under divisions (A) to 540  
(D) of this section. 541

(F) The board of education of any cooperative education 542  
school district established pursuant to divisions (A) to (C) of 543  
section 3311.52 of the Revised Code shall prescribe a curriculum 544  
for the subject areas and grade levels offered in any school 545  
under its control. 546

(G) Upon the request of any parent or legal guardian of a student, the board of education of any school district shall permit the parent or guardian to promptly examine, with respect to the parent's or guardian's own child:

(1) Any survey or questionnaire, prior to its administration to the child;

(2) Any textbook, workbook, software, video, or other instructional materials being used by the district in connection with the instruction of the child;

(3) Any completed and graded test taken or survey or questionnaire filled out by the child;

(4) Copies of the statewide academic standards and each model curriculum developed pursuant to section 3301.079 of the Revised Code, which copies shall be available at all times during school hours in each district school building.

**Sec. 3318.02.** (A) For purposes of sections 3318.01 to ~~3318.32~~ 3318.20 of the Revised Code, the Ohio school facilities commission shall periodically perform an assessment of the classroom facility needs in the state to identify school districts in need of additional classroom facilities, or replacement or reconstruction of existent classroom facilities, and the cost to each such district of constructing or acquiring such additional facilities or making such renovations.

(B) Based upon the most recent assessment conducted pursuant to division (A) of this section, the commission shall conduct on-site visits to school districts identified as having classroom facility needs to confirm the findings of the periodic assessment and further evaluate the classroom facility needs of the district. The evaluation shall assess the district's need to

construct or acquire new classroom facilities and may include an 576  
assessment of the district's need for building additions or for 577  
the reconstruction of existent buildings in lieu of constructing 578  
or acquiring replacement buildings. 579

(C) (1) Except as provided in division (C) (2) of this 580  
section, on-site visits performed on or after May 20, 1997, 581  
shall be performed in the order specified in this division. The 582  
first round of on-site visits first succeeding the effective 583  
date of this amendment, May 20, 1997, shall be limited to the 584  
school districts in the first through fifth percentiles, 585  
excluding districts that are ineligible for funding under this 586  
chapter pursuant to section 3318.04 of the Revised Code. The 587  
second round of on-site visits shall be limited to the school 588  
districts in the first through tenth percentiles, excluding 589  
districts that are ineligible for funding under this chapter 590  
pursuant to section 3318.04 of the Revised Code. Each succeeding 591  
round of on-site visits shall be limited to the percentiles 592  
included in the immediately preceding round of on-site visits 593  
plus the next five percentiles. Except for the first round of 594  
on-site visits, no round of on-site visits shall commence unless 595  
eighty per cent of the districts for which on-site visits were 596  
performed during the immediately preceding round, have had 597  
projects approved under section 3318.04 of the Revised Code. 598

(2) Notwithstanding division (C) (1) of this section, the 599  
commission may perform on-site visits for school districts in 600  
the next highest percentile to the percentiles included in the 601  
current round of on-site visits, and then to succeeding 602  
percentiles one at a time, not to exceed the twenty-fifth 603  
percentile, if all of the following apply: 604

(a) Less than eighty per cent of the districts for which 605

on-site visits were performed in the current round, and in any 606  
percentiles for which on-site visits were performed in addition 607  
to the current round pursuant to this division, have had 608  
projects approved under section 3318.04 of the Revised Code; 609

(b) There are funds appropriated for the purpose of 610  
sections 3318.01 to 3318.20 of the Revised Code that are not 611  
reserved and encumbered for projects pursuant to section 3318.04 612  
of the Revised Code; 613

(c) The commission makes a finding that such available 614  
funds would be more thoroughly utilized if on-site visits were 615  
extended to the next highest percentile. 616

(D) Notwithstanding divisions (B) and (C) of this section, 617  
in any fiscal year, the commission may limit the number of 618  
districts for which it conducts on-site visits based upon its 619  
projections of the moneys available and moneys necessary to 620  
undertake projects under sections 3318.01 to ~~3318.32~~ 3318.20 of 621  
the Revised Code for that year. 622

**Sec. 3318.024.** In the first year of a capital biennium, 623  
any funds appropriated to the Ohio school facilities commission 624  
for classroom facilities projects under this chapter in the 625  
previous capital biennium that were not spent or encumbered, or 626  
for which an encumbrance has been canceled under section 3318.05 627  
of the Revised Code, shall be used by the commission only for 628  
projects under sections 3318.01 to 3318.20 of the Revised Code, 629  
subject to appropriation by the general assembly. 630

In the second year of a capital biennium, any funds 631  
appropriated to the Ohio school facilities commission for 632  
classroom facilities projects under this chapter that were not 633  
spent or encumbered in the first year of the biennium and which 634

are in excess of an amount equal to half of the appropriations 635  
for the capital biennium, or for which an encumbrance has been 636  
canceled under section 3318.05 of the Revised Code, shall be 637  
used by the commission only for projects under sections 3318.01 638  
to 3318.20, ~~3318.32~~, 3318.351, 3318.364, 3318.37, 3318.371, 639  
3318.38, and 3318.40 to 3318.46 of the Revised Code, subject to 640  
appropriation by the general assembly. 641

Sec. 3318.036. (A) For purposes of this section: 642

(1) "Eligible school district" is a city, local, or 643  
exempted village school district that satisfies both of the 644  
following conditions: 645

(a) The district resulted from one of the following that 646  
became effective between July 1, 2013, and June 30, 2018: 647

(i) A transfer of all of the territory of one school 648  
district to another school district in accordance with section 649  
3311.22, 3311.231, 3311.24, or 3311.38 of the Revised Code; 650

(ii) The merger of two or more districts in accordance 651  
with section 3311.25 of the Revised Code; 652

(iii) The creation of a new local school district from all 653  
of one or more local school districts in accordance with section 654  
3311.26 of the Revised Code; 655

(iv) The consolidation of two or more school districts 656  
under section 3311.37 of the Revised Code. 657

(b) The district has demonstrated to the Ohio school 658  
facilities commission an efficient use of facility space, 659  
including a reduction in the number of buildings used by 660  
students and administrative staff. 661

(2) "Basic project cost" and "required percentage of the 662

basic project cost" have the same meanings as in section 3318.01 663  
of the Revised Code. 664

(B) Notwithstanding anything to the contrary in this 665  
chapter: 666

(1) If the commission determines that a district is an 667  
eligible school district, the commission shall give that 668  
district first priority for funding for a project under sections 669  
3318.01 to 3318.20 of the Revised Code as such funds become 670  
available, regardless of the district's percentile rank under 671  
section 3318.011 of the Revised Code. If the district results 672  
from a transfer, merger, consolidation, or creation of a new 673  
local district that takes effect prior to the effective date of 674  
this section, the district's portion of the basic project cost 675  
shall be the required percentage of the basic project cost based 676  
on the percentile ranking of the district that was transferred, 677  
merged, consolidated, or existed prior to the creation of the 678  
new district that has the lowest three-year average adjusted 679  
valuation per pupil, as calculated under section 3318.011 of the 680  
Revised Code, on the date that the transfer, merger, 681  
consolidation, or creation of the new district became effective. 682

(2) If an eligible school district is given priority under 683  
division (B)(1) of this section, the commission may reduce that 684  
district's portion of the basic project cost by twenty-five 685  
percentage points from the portion determined under section 686  
3318.032 of the Revised Code or, if the district results from a 687  
transfer, merger, consolidation, or creation of a new local 688  
district that takes effect prior to the effective date of this 689  
section, from the portion determined under division (B)(1) of 690  
this section. At no time, however, shall that district's portion 691  
of the basic project cost be less than five per cent. 692



(3) If an eligible school district is given priority under 693  
division (B) (1) of this section, the commission may reduce that 694  
district's portion of the basic project cost by ten percentage 695  
points from the portion determined under section 3318.032 of the 696  
Revised Code or, if the district results from a transfer, 697  
merger, consolidation, or creation of a new local district that 698  
takes effect prior to the effective date of this section, from 699  
the portion determined under division (B) (1) of this section, if 700  
the district's project satisfies the following conditions: 701

(a) The project involves construction of a building on 702  
land owned by a state institution of higher education, as that 703  
term is defined in section 3345.011 of the Revised Code, and the 704  
commission approves the project. 705

(b) The district and the state institution of higher 706  
education enter into a written agreement regarding the continued 707  
use of the institution's land by the district, and the 708  
commission approves the agreement. 709

(c) On the date that the district and the state 710  
institution of higher education enter into the written agreement 711  
described in division (B) (3) (b) of this section, the state 712  
institution of higher education is participating in the college 713  
credit plus program established under Chapter 3365. of the 714  
Revised Code. 715

At no time, however, shall that district's portion of the 716  
basic project cost be less than five per cent. 717

The reduction of the district's portion of the basic 718  
project cost described in division (B) (3) of this section may be 719  
in addition to a reduction of the district's portion of the 720  
basic project cost under division (B) (2) of this section. 721

(C) Except as provided in division (B) of this section, a district's project undertaken pursuant to this section shall be subject to all other requirements in sections 3318.01 to 3318.20 of the Revised Code.

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

(A) The sale and issuance of bonds or notes in anticipation thereof, as soon as practicable after the execution of the agreement, in an amount equal to the school district's portion of the basic project cost, including any securities authorized under division (J) of section 133.06 of the Revised Code and dedicated by the school district board to payment of

the district's portion of the basic project cost of the project; 753  
provided, that if at that time the county treasurer of each 754  
county in which the school district is located has not commenced 755  
the collection of taxes on the general duplicate of real and 756  
public utility property for the year in which the controlling 757  
board approved the project, the school district board shall 758  
authorize the issuance of a first installment of bond 759  
anticipation notes in an amount specified by the agreement, 760  
which amount shall not exceed an amount necessary to raise the 761  
net bonded indebtedness of the school district as of the date of 762  
the controlling board's approval to within five thousand dollars 763  
of the required level of indebtedness for the preceding year. In 764  
the event that a first installment of bond anticipation notes is 765  
issued, the school district board shall, as soon as practicable 766  
after the county treasurer of each county in which the school 767  
district is located has commenced the collection of taxes on the 768  
general duplicate of real and public utility property for the 769  
year in which the controlling board approved the project, 770  
authorize the issuance of a second and final installment of bond 771  
anticipation notes or a first and final issue of bonds. 772

The combined value of the first and second installment of 773  
bond anticipation notes or the value of the first and final 774  
issue of bonds shall be equal to the school district's portion 775  
of the basic project cost. The proceeds of any such bonds shall 776  
be used first to retire any bond anticipation notes. Otherwise, 777  
the proceeds of such bonds and of any bond anticipation notes, 778  
except the premium and accrued interest thereon, shall be 779  
deposited in the school district's project construction fund. In 780  
determining the amount of net bonded indebtedness for the 781  
purpose of fixing the amount of an issue of either bonds or bond 782  
anticipation notes, gross indebtedness shall be reduced by 783

moneys in the bond retirement fund only to the extent of the 784  
moneys therein on the first day of the year preceding the year 785  
in which the controlling board approved the project. Should 786  
there be a decrease in the tax valuation of the school district 787  
so that the amount of indebtedness that can be incurred on the 788  
tax duplicates for the year in which the controlling board 789  
approved the project is less than the amount of the first 790  
installment of bond anticipation notes, there shall be paid from 791  
the school district's project construction fund to the school 792  
district's bond retirement fund to be applied against such notes 793  
an amount sufficient to cause the net bonded indebtedness of the 794  
school district, as of the first day of the year following the 795  
year in which the controlling board approved the project, to be 796  
within five thousand dollars of the required level of 797  
indebtedness for the year in which the controlling board 798  
approved the project. The maximum amount of indebtedness to be 799  
incurred by any school district board as its share of the cost 800  
of the project is either an amount that will cause its net 801  
bonded indebtedness, as of the first day of the year following 802  
the year in which the controlling board approved the project, to 803  
be within five thousand dollars of the required level of 804  
indebtedness, or an amount equal to the required percentage of 805  
the basic project costs, whichever is greater. All bonds and 806  
bond anticipation notes shall be issued in accordance with 807  
Chapter 133. of the Revised Code, and notes may be renewed as 808  
provided in section 133.22 of the Revised Code. 809

(B) The transfer of such funds of the school district 810  
board available for the project, together with the proceeds of 811  
the sale of the bonds or notes, except premium, accrued 812  
interest, and interest included in the amount of the issue, to 813  
the school district's project construction fund; 814

(C) For all school districts except joint vocational 815  
school districts that receive assistance under sections 3318.40 816  
to 3318.45 of the Revised Code, the following provisions as 817  
applicable: 818

(1) If section 3318.052 of the Revised Code applies, the 819  
earmarking of the proceeds of a tax levied under section 5705.21 820  
of the Revised Code for general permanent improvements or under 821  
section 5705.218 of the Revised Code for the purpose of 822  
permanent improvements, or the proceeds of a school district 823  
income tax levied under Chapter 5748. of the Revised Code, or 824  
the proceeds from a combination of those two taxes, in an amount 825  
to pay all or part of the service charges on bonds issued to pay 826  
the school district portion of the project and an amount 827  
equivalent to all or part of the tax required under division (B) 828  
of section 3318.05 of the Revised Code; 829

(2) If section 3318.052 of the Revised Code does not 830  
apply, one of the following: 831

(a) The levy of the tax authorized at the election for the 832  
payment of maintenance costs, as specified in division (B) of 833  
section 3318.05 of the Revised Code; 834

(b) If the school district electors have approved a 835  
continuing tax for general permanent improvements under section 836  
5705.21 of the Revised Code and that tax can be used for 837  
maintenance, the earmarking of an amount of the proceeds from 838  
such tax for maintenance of classroom facilities as specified in 839  
division (B) of section 3318.05 of the Revised Code; 840

(c) If, in lieu of the tax otherwise required under 841  
division (B) of section 3318.05 of the Revised Code, the 842  
commission has approved the transfer of money to the maintenance 843

fund in accordance with section 3318.051 of the Revised Code, a 844  
requirement that the district board comply with the provisions 845  
of that section. The district board may rescind the provision 846  
prescribed under division (C) (2) (c) of this section only so long 847  
as the electors of the district have approved, in accordance 848  
with section 3318.063 of the Revised Code, the levy of a tax for 849  
the maintenance of the classroom facilities acquired under the 850  
district's project and that levy continues to be collected as 851  
approved by the electors. 852

(D) For joint vocational school districts that receive 853  
assistance under sections 3318.40 to 3318.45 of the Revised 854  
Code, provision for deposit of school district moneys dedicated 855  
to maintenance of the classroom facilities acquired under those 856  
sections as prescribed in section 3318.43 of the Revised Code; 857

(E) Dedication of any local donated contribution as 858  
provided for under section 3318.084 of the Revised Code, 859  
including a schedule for depositing such moneys applied as an 860  
offset of the district's obligation to levy the tax described in 861  
division (B) of section 3318.05 of the Revised Code as required 862  
under division (D) (2) of section 3318.084 of the Revised Code; 863

(F) Ownership of or interest in the project during the 864  
period of construction, which shall be divided between the 865  
commission and the school district board in proportion to their 866  
respective contributions to the school district's project 867  
construction fund; 868

(G) Maintenance of the state's interest in the project 869  
until any obligations issued for the project under section 870  
3318.26 of the Revised Code are no longer outstanding; 871

(H) The insurance of the project by the school district 872

from the time there is an insurable interest therein and so long 873  
as the state retains any ownership or interest in the project 874  
pursuant to division (F) of this section, in such amounts and 875  
against such risks as the commission shall require; provided, 876  
that the cost of any required insurance until the project is 877  
completed shall be a part of the basic project cost; 878

(I) The certification by the director of budget and 879  
management that funds are available and have been set aside to 880  
meet the state's share of the basic project cost as approved by 881  
the controlling board pursuant to either section 3318.04 or 882  
division (B) (1) of section 3318.41 of the Revised Code; 883

(J) Authorization of the school district board to 884  
advertise for and receive construction bids for the project, for 885  
and on behalf of the commission, and to award contracts in the 886  
name of the state subject to approval by the commission; 887

(K) Provisions for the disbursement of moneys from the 888  
school district's project account upon issuance by the 889  
commission or the commission's designated representative of 890  
vouchers for work done to be certified to the commission by the 891  
treasurer of the school district board; 892

(L) Disposal of any balance left in the school district's 893  
project construction fund upon completion of the project; 894

(M) Limitations upon use of the project or any part of it 895  
so long as any obligations issued to finance the project under 896  
section 3318.26 of the Revised Code are outstanding; 897

(N) Provision for vesting the state's interest in the 898  
project to the school district board when the obligations issued 899  
to finance the project under section 3318.26 of the Revised Code 900  
are outstanding; 901

(O) Provision for deposit of an executed copy of the 902  
agreement in the office of the commission; 903

(P) Provision for termination of the contract and release 904  
of the funds encumbered at the time of the conditional approval, 905  
if the proceeds of the sale of the bonds of the school district 906  
board are not paid into the school district's project 907  
construction fund and if bids for the construction of the 908  
project have not been taken within such period after the 909  
execution of the agreement as may be fixed by the commission; 910

(Q) Provision for the school district to maintain the 911  
project in accordance with a plan approved by the commission; 912

(R) Provision that all state funds reserved and encumbered 913  
to pay the state share of the cost of the project and the funds 914  
provided by the school district to pay for its share of the 915  
project cost, including the respective shares of the cost of a 916  
segment if the project is divided into segments, be spent on the 917  
construction and acquisition of the project or segment 918  
simultaneously in proportion to the state's and the school 919  
district's respective shares of that basic project cost as 920  
determined under section 3318.032 of the Revised Code or, if the 921  
district is a joint vocational school district, under section 922  
3318.42 of the Revised Code. However, if the school district 923  
certifies to the commission that expenditure by the school 924  
district is necessary to maintain the federal tax status or tax- 925  
exempt status of notes or bonds issued by the school district to 926  
pay for its share of the project cost or to comply with 927  
applicable temporary investment periods or spending exceptions 928  
to rebate as provided for under federal law in regard to those 929  
notes or bonds, the school district may commit to spend, or 930  
spend, a greater portion of the funds it provides during any 931



specific period than would otherwise be required under this 932  
division. 933

(S) A provision stipulating that the commission may 934  
prohibit the district from proceeding with any project if the 935  
commission determines that the site is not suitable for 936  
construction purposes. The commission may perform soil tests in 937  
its determination of whether a site is appropriate for 938  
construction purposes. 939

(T) A provision stipulating that, unless otherwise 940  
authorized by the commission, any contingency reserve portion of 941  
the construction budget prescribed by the commission shall be 942  
used only to pay costs resulting from unforeseen job conditions, 943  
to comply with rulings regarding building and other codes, to 944  
pay costs related to design clarifications or corrections to 945  
contract documents, and to pay the costs of settlements or 946  
judgments related to the project as provided under section 947  
3318.086 of the Revised Code; 948

(U) A provision stipulating that for continued release of 949  
project funds the school district board shall comply with 950  
sections 3313.41~~and~~, 3313.411, and 3313.413 of the Revised 951  
Code throughout the project and shall notify the department of 952  
education and the Ohio community school association when the 953  
board plans to dispose of facilities by sale under that section; 954

(V) A provision stipulating that the commission shall not 955  
approve a contract for demolition of a facility until the school 956  
district board has complied with sections 3313.41~~and~~, 3313.411, and 3313.413 of the Revised Code relative to that 957  
facility, unless demolition of that facility is to clear a site 958  
for construction of a replacement facility included in the 959  
district's project; 960  
961

(W) A requirement for the school district to adhere to a facilities maintenance plan approved by the commission.

**Sec. 3318.30.** (A) There is hereby created the Ohio school facilities commission as an independent agency of the state within the Ohio facilities construction commission, which is created under section 123.20 of the Revised Code. The Ohio school facilities commission shall administer the provision of financial assistance to school districts for the acquisition or construction of classroom facilities in accordance with ~~sections 3318.01 to 3318.32 of the Revised Code~~ this chapter.

The Ohio school facilities commission is a body corporate and politic, an agency of state government and an instrumentality of the state, performing essential governmental functions of this state. The carrying out of the purposes and the exercise by the Ohio school facilities commission of its powers conferred by ~~sections 3318.01 to 3318.32 of the Revised Code~~ this chapter are essential public functions and public purposes of the state. The Ohio school facilities commission may, in its own name, sue and be sued, enter into contracts, and perform all the powers and duties given to it by ~~sections 3318.01 to 3318.32 of the Revised Code~~ this chapter, but it does not have and shall not exercise the power of eminent domain. In its discretion and as it determines appropriate, the Ohio school facilities commission may delegate to any of its members, executive director, or other employees any of the Ohio school facilities commission's powers and duties to carry out its functions.

(B) The Ohio school facilities commission shall consist of seven members, three of whom are voting members. The voting members of the Ohio school facilities commission shall be the

director of the office of budget and management, the director of 992  
administrative services, and the superintendent of public 993  
instruction, or their designees. Of the nonvoting members, two 994  
shall be members of the senate appointed by the president of the 995  
senate, and two shall be members of the house of representatives 996  
appointed by the speaker of the house. Each of the appointees of 997  
the president, and each of the appointees of the speaker, shall 998  
be members of different political parties. 999

Nonvoting members shall serve as members of the Ohio 1000  
school facilities commission during the legislative biennium for 1001  
which they are appointed, except that any such member who ceases 1002  
to be a member of the legislative house from which the member 1003  
was appointed shall cease to be a member of the Ohio school 1004  
facilities commission. Each nonvoting member shall be appointed 1005  
within thirty-one days of the end of the term of that member's 1006  
predecessor. Such members may be reappointed. Vacancies of 1007  
nonvoting members shall be filled in the manner provided for 1008  
original appointments. 1009

Members of the Ohio school facilities commission shall 1010  
serve without compensation. 1011

After the initial nonvoting members of the Ohio school 1012  
facilities commission have been appointed, the Ohio school 1013  
facilities commission shall meet and organize by electing voting 1014  
members as the chairperson and vice-chairperson of the Ohio 1015  
school facilities commission, who shall hold their offices until 1016  
the next organizational meeting of the Ohio school facilities 1017  
commission. Organizational meetings of the Ohio school 1018  
facilities commission shall be held at the first meeting of each 1019  
calendar year. At each organizational meeting, the Ohio school 1020  
facilities commission shall elect from among its voting members 1021

a chairperson and vice-chairperson, who shall serve until the 1022  
next annual organizational meeting. The Ohio school facilities 1023  
commission shall adopt rules pursuant to section 111.15 of the 1024  
Revised Code for the conduct of its internal business and shall 1025  
keep a journal of its proceedings. Including the organizational 1026  
meeting, the Ohio school facilities commission shall meet at 1027  
least once each calendar quarter. 1028

Two voting members of the Ohio school facilities 1029  
commission constitute a quorum, and the affirmative vote of two 1030  
members is necessary for approval of any action taken by the 1031  
Ohio school facilities commission. A vacancy in the membership 1032  
of the Ohio school facilities commission does not impair a 1033  
quorum from exercising all the rights and performing all the 1034  
duties of the Ohio school facilities commission. Meetings of the 1035  
Ohio school facilities commission may be held anywhere in the 1036  
state and shall be held in compliance with section 121.22 of the 1037  
Revised Code. 1038

(C) The Ohio school facilities commission shall file an 1039  
annual report of its activities and finances with the governor, 1040  
speaker of the house of representatives, president of the 1041  
senate, and chairpersons of the house and senate finance 1042  
committees. 1043

(D) The Ohio school facilities commission shall be exempt 1044  
from the requirements of sections 101.82 to 101.87 of the 1045  
Revised Code. 1046

(E) The Ohio school facilities commission may share 1047  
employees and facilities with the Ohio facilities construction 1048  
commission. 1049

**Sec. 3319.113.** (A) Not later than May 31, 2016, the state 1050

board of education shall develop a standards-based state 1051  
framework for the evaluation of school counselors. The state 1052  
board may update the framework periodically by adoption of a 1053  
resolution. The framework shall establish an evaluation system 1054  
that does the following: 1055

(1) Requires school counselors to demonstrate their 1056  
ability to produce positive student outcomes using metrics, 1057  
including those from the school or school district's report card 1058  
issued under section 3302.03 of the Revised Code when 1059  
appropriate; 1060

(2) Is aligned with the standards for school counselors 1061  
adopted under section 3319.61 of the Revised Code and requires 1062  
school counselors to demonstrate their ability in all the areas 1063  
identified by those standards; 1064

(3) Requires that all school counselors be evaluated 1065  
annually, except as otherwise appropriate for high-performing 1066  
school counselors or as specified in division (D) of this 1067  
section; 1068

(4) Assigns a rating on each evaluation in accordance with 1069  
division (B) of this section; 1070

(5) Designates the personnel that may conduct evaluations 1071  
of school counselors in accordance with this framework; 1072

(6) Requires that each school counselor be provided with a 1073  
written report of the results of that school counselor's 1074  
evaluation; 1075

(7) Provides for professional development to accelerate 1076  
and continue school counselor growth and provide support to 1077  
poorly performing school counselors. 1078

(B) (1) The state board shall develop specific standards 1079  
and criteria that distinguish between the following levels of 1080  
performance for school counselors for the purposes of assigning 1081  
ratings on the evaluations conducted under this section: 1082

(a) Accomplished; 1083

(b) Skilled; 1084

(c) Developing; 1085

(d) Ineffective. 1086

(2) The state board shall consult with experts, school 1087  
counselors and principals employed in public schools, and 1088  
representatives of stakeholder groups in developing the 1089  
standards and criteria required by division (B) (1) of this 1090  
section. 1091

(C) (1) Not later than September 30, 2016, each school 1092  
district board of education shall adopt a standards-based school 1093  
counselor evaluation policy that conforms with the framework for 1094  
the evaluation of school counselors developed under this 1095  
section. The policy shall become operative at the expiration of 1096  
any collective bargaining agreement covering school counselors 1097  
employed by the board that is in effect on ~~the effective date of~~ 1098  
~~this section~~ September 29, 2015, and shall be included in any 1099  
renewal or extension of such an agreement. 1100

(2) A district board shall include both of the following 1101  
in its evaluation policy: 1102

(a) The implementation of the framework for the evaluation 1103  
of school counselors developed under this section beginning in 1104  
the 2016-2017 school year; 1105

(b) Procedures for using the evaluation results, beginning 1106

in the 2017-2018 school year, for both of the following: 1107

(i) Decisions regarding retention and promotion of school 1108  
counselors; 1109

(ii) Removal of poorly performing school counselors. 1110

(D) Beginning with the 2017-2018 school year, a district 1111  
board may elect not to conduct an evaluation of a school 1112  
counselor who meets one of the following requirements: 1113

(1) The school counselor was on leave from the school 1114  
district for fifty per cent or more of the school year, as 1115  
calculated by the board. 1116

(2) The school counselor has submitted notice of 1117  
retirement and that notice has been accepted by the board not 1118  
later than the first day of December of the school year in which 1119  
the evaluation is otherwise scheduled to be conducted. 1120

(E) Each district board shall annually submit a report to 1121  
the department of education, in a form and manner prescribed by 1122  
the department, regarding its implementation of division (C) of 1123  
this section. At no time shall the department permit or require 1124  
that the name or personally identifiable information of any 1125  
school counselor be reported to the department under this 1126  
division. 1127

~~(E)~~ (F) Notwithstanding any provision to the contrary in 1128  
Chapter 4117. of the Revised Code, the requirements of this 1129  
section prevail over any conflicting provision of a collective 1130  
bargaining agreement entered into on or after ~~the effective date~~ 1131  
~~of this section~~ September 29, 2015. 1132

**Sec. 5705.10.** (A) All revenue derived from the general 1133  
levy for current expense within the ten-mill limitation, from 1134

any general levy for current expense authorized by vote in 1135  
excess of the ten-mill limitation, and from sources other than 1136  
the general property tax, unless its use for a particular 1137  
purpose is prescribed by law, shall be paid into the general 1138  
fund. 1139

(B) All revenue derived from general or special levies for 1140  
debt charges, whether within or in excess of the ten-mill 1141  
limitation, which is levied for the debt charges on serial 1142  
bonds, notes, or certificates of indebtedness having a life less 1143  
than five years, shall be paid into the bond retirement fund; 1144  
and all such revenue which is levied for the debt charges on all 1145  
other bonds, notes, or certificates of indebtedness shall be 1146  
paid into the sinking fund. 1147

(C) All revenue derived from a special levy shall be 1148  
credited to a special fund for the purpose for which the levy 1149  
was made. 1150

(D) Except as otherwise provided by resolution adopted 1151  
pursuant to section 3315.01 of the Revised Code, all revenue 1152  
derived from a source other than the general property tax and 1153  
which the law prescribes shall be used for a particular purpose, 1154  
shall be paid into a special fund for such purpose. Except as 1155  
otherwise provided by resolution adopted pursuant to section 1156  
3315.01 of the Revised Code or as otherwise provided by section 1157  
3315.40 of the Revised Code, all revenue derived from a source 1158  
other than the general property tax, for which the law does not 1159  
prescribe use for a particular purpose, including interest 1160  
earned on the principal of any special fund, regardless of the 1161  
source or purpose of the principal, shall be paid into the 1162  
general fund. 1163

(E) All proceeds from the sale of public obligations or 1164



fractionalized interests in public obligations as defined in 1165  
section 133.01 of the Revised Code, except premium and accrued 1166  
interest, shall be paid into a special fund for the purpose of 1167  
such issue, and any interest and other income earned on money in 1168  
such special fund may be used for the purposes for which the 1169  
indebtedness was authorized or may be credited to the general 1170  
fund or other fund or account as the taxing authority authorizes 1171  
and used for the purposes of that fund or account. The premium 1172  
and accrued interest received from such sale shall be paid into 1173  
the sinking fund or the bond retirement fund of the subdivision. 1174

(F) Except as provided in divisions (G) and (H) of this 1175  
section, if a permanent improvement of the subdivision is sold, 1176  
the amount received from the sale shall be paid into the sinking 1177  
fund, the bond retirement fund, or a special fund for the 1178  
construction or acquisition of permanent improvements; provided 1179  
that the proceeds from the sale of a public utility shall be 1180  
paid into the sinking fund or bond retirement fund to the extent 1181  
necessary to provide for the retirement of the outstanding 1182  
indebtedness incurred in the construction or acquisition of such 1183  
utility. Proceeds from the sale of property other than a 1184  
permanent improvement shall be paid into the fund from which 1185  
such property was acquired or is maintained or, if there is no 1186  
such fund, into the general fund. 1187

(G) A township that has a population greater than fifteen 1188  
thousand according to the most recent federal decennial census 1189  
and that has declared one or more improvements in the township 1190  
to be a public purpose under section 5709.73 of the Revised Code 1191  
may pay proceeds from the sale of a permanent improvement of the 1192  
township into its general fund if both of the following 1193  
conditions are satisfied: 1194

(1) The township fiscal officer determines that all 1195  
foreseeable public infrastructure improvements, as defined in 1196  
section 5709.40 of the Revised Code, to be made in the township 1197  
in the ten years immediately following the date the permanent 1198  
improvement is sold will have been financed through resolutions 1199  
adopted under section 5709.73 of the Revised Code on or before 1200  
the date of the sale. The fiscal officer shall provide written 1201  
certification of this determination for the township's records. 1202

(2) The permanent improvement being sold was financed 1203  
entirely from moneys in the township's general fund. 1204

(H) If a board of education of a school district disposes 1205  
of real property under section 3313.41, 3313.411, or 3313.413 of 1206  
the Revised Code, the proceeds received on or after September 1207  
29, 2013, from the sale shall be used for either of the 1208  
following purposes: 1209

(1) The retirement of any debt that was incurred by the 1210  
district with respect to that real property. Proceeds in excess 1211  
of the funds necessary to retire that debt may be paid into the 1212  
school district's capital and maintenance fund and used only to 1213  
pay for the costs of nonoperating capital expenses related to 1214  
technology infrastructure and equipment to be used for 1215  
instruction and assessment. 1216

(2) Payment into a special fund for the construction or 1217  
acquisition of permanent improvements. 1218

(I) Money paid into any fund shall be used only for the 1219  
purposes for which such fund is established. 1220

**Section 2.** That existing sections 3313.41, 3313.411, 1221  
3313.412, 3313.413, 3313.60, 3318.02, 3318.024, 3318.08, 1222  
3318.30, 3319.113, and 5705.10 and section 3318.32 of the 1223

Revised Code are hereby repealed. 1224

**Section 3.** Not later than July 1, 2017, the Second Chance 1225  
Trust Fund Advisory Committee created under section 2108.35 of 1226  
the Revised Code shall submit recommendations for the 1227  
instruction in the process of making an anatomical gift that is 1228  
required for a school district's health curriculum under 1229  
division (A)(5)(g) of section 3313.60 of the Revised Code, as 1230  
amended by this act, to the Department of Education. Upon 1231  
receiving the recommendations, the Department shall publish them 1232  
in a prominent location on the Department's web site for use by 1233  
school districts in developing their health curricula. 1234