

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 54

Representatives Miller, J., Cutrona

**Cosponsors: Representatives Lepore-Hagan, Crossman, Jones, Liston, Miller, A.,
Miranda, Skindell, Sweeney, Weinstein**

A BILL

To amend sections 133.06, 3302.036, 3302.042, 1
3302.16, 3302.17, 3310.02, 3310.03, 3311.29, and 2
3314.102; to enact new section 3302.10; and to 3
repeal sections 3302.10, 3302.101, 3302.102, 4
3302.11, and 3302.12 of the Revised Code and to 5
amend Section 5 of S.B. 89 of the 133rd General 6
Assembly and to repeal Sections 4, 5, and 6 of 7
H.B. 70 of the 131st General Assembly to 8
dissolve academic distress commissions and to 9
instead require improvement plans for certain 10
low-performing school buildings. 11

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

Section 1. That sections 133.06, 3302.036, 3302.042, 12
3302.16, 3302.17, 3310.02, 3310.03, 3311.29, and 3314.102 be 13
amended and new section 3302.10 of the Revised Code be enacted 14
to read as follows: 15

Sec. 133.06. (A) A school district shall not incur, 16
without a vote of the electors, net indebtedness that exceeds an 17
amount equal to one-tenth of one per cent of its tax valuation, 18

except as provided in divisions (G) and (H) of this section and 19
in division (D) of section 3313.372 of the Revised Code, or as 20
prescribed in section 3318.052 or 3318.44 of the Revised Code, 21
or as provided in division (J) of this section. 22

(B) Except as provided in divisions (E), (F), and (I) of 23
this section, a school district shall not incur net indebtedness 24
that exceeds an amount equal to nine per cent of its tax 25
valuation. 26

(C) A school district shall not submit to a vote of the 27
electors the question of the issuance of securities in an amount 28
that will make the district's net indebtedness after the 29
issuance of the securities exceed an amount equal to four per 30
cent of its tax valuation, unless the superintendent of public 31
instruction, acting under policies adopted by the state board of 32
education, and the tax commissioner, acting under written 33
policies of the commissioner, consent to the submission. A 34
request for the consents shall be made at least one hundred 35
twenty days prior to the election at which the question is to be 36
submitted. 37

The superintendent of public instruction shall certify to 38
the district the superintendent's and the tax commissioner's 39
decisions within thirty days after receipt of the request for 40
consents. 41

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

seeks to submit the same question at any other subsequent 49
election, the district shall first submit a new request for 50
consent in accordance with this division. 51

(D) In calculating the net indebtedness of a school 52
district, none of the following shall be considered: 53

(1) Securities issued to acquire school buses and other 54
equipment used in transporting pupils or issued pursuant to 55
division (D) of section 133.10 of the Revised Code; 56

(2) Securities issued under division (F) of this section 57
and, to the extent in excess of the limitation stated in 58
division (B) of this section, under division (E) of this 59
section; 60

(3) Indebtedness resulting from the dissolution of a joint 61
vocational school district under section 3311.217 of the Revised 62
Code, evidenced by outstanding securities of that joint 63
vocational school district; 64

(4) Loans, evidenced by any securities, received under 65
sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code; 66

(5) Debt incurred under section 3313.374 of the Revised 67
Code; 68

(6) Debt incurred pursuant to division (B)(5) of section 69
3313.37 of the Revised Code to acquire computers and related 70
hardware; 71

(7) Debt incurred under section 3318.042 of the Revised 72
Code; 73

(8) Debt incurred under section 5705.2112 or 5705.2113 of 74
the Revised Code by the fiscal board of a qualifying partnership 75
of which the school district is a participating school district. 76

(E) A school district may become a special needs district 77
as to certain securities as provided in division (E) of this 78
section. 79

(1) A board of education, by resolution, may declare its 80
school district to be a special needs district by determining 81
both of the following: 82

(a) The student population is not being adequately 83
serviced by the existing permanent improvements of the district. 84

(b) The district cannot obtain sufficient funds by the 85
issuance of securities within the limitation of division (B) of 86
this section to provide additional or improved needed permanent 87
improvements in time to meet the needs. 88

(2) The board of education shall certify a copy of that 89
resolution to the superintendent of public instruction with a 90
statistical report showing all of the following: 91

(a) The history of and a projection of the growth of the 92
tax valuation; 93

(b) The projected needs; 94

(c) The estimated cost of permanent improvements proposed 95
to meet such projected needs. 96

(3) The superintendent of public instruction shall certify 97
the district as an approved special needs district if the 98
superintendent finds both of the following: 99

(a) The district does not have available sufficient 100
additional funds from state or federal sources to meet the 101
projected needs. 102

(b) The projection of the potential average growth of tax 103

valuation during the next five years, according to the 104
information certified to the superintendent and any other 105
information the superintendent obtains, indicates a likelihood 106
of potential average growth of tax valuation of the district 107
during the next five years of an average of not less than one 108
and one-half per cent per year. The findings and certification 109
of the superintendent shall be conclusive. 110

(4) An approved special needs district may incur net 111
indebtedness by the issuance of securities in accordance with 112
the provisions of this chapter in an amount that does not exceed 113
an amount equal to the greater of the following: 114

(a) Twelve per cent of the sum of its tax valuation plus 115
an amount that is the product of multiplying that tax valuation 116
by the percentage by which the tax valuation has increased over 117
the tax valuation on the first day of the sixtieth month 118
preceding the month in which its board determines to submit to 119
the electors the question of issuing the proposed securities; 120

(b) Twelve per cent of the sum of its tax valuation plus 121
an amount that is the product of multiplying that tax valuation 122
by the percentage, determined by the superintendent of public 123
instruction, by which that tax valuation is projected to 124
increase during the next ten years. 125

(F) A school district may issue securities for emergency 126
purposes, in a principal amount that does not exceed an amount 127
equal to three per cent of its tax valuation, as provided in 128
this division. 129

(1) A board of education, by resolution, may declare an 130
emergency if it determines both of the following: 131

(a) School buildings or other necessary school facilities 132

in the district have been wholly or partially destroyed, or 133
condemned by a constituted public authority, or that such 134
buildings or facilities are partially constructed, or so 135
constructed or planned as to require additions and improvements 136
to them before the buildings or facilities are usable for their 137
intended purpose, or that corrections to permanent improvements 138
are necessary to remove or prevent health or safety hazards. 139

(b) Existing fiscal and net indebtedness limitations make 140
adequate replacement, additions, or improvements impossible. 141

(2) Upon the declaration of an emergency, the board of 142
education may, by resolution, submit to the electors of the 143
district pursuant to section 133.18 of the Revised Code the 144
question of issuing securities for the purpose of paying the 145
cost, in excess of any insurance or condemnation proceeds 146
received by the district, of permanent improvements to respond 147
to the emergency need. 148

(3) The procedures for the election shall be as provided 149
in section 133.18 of the Revised Code, except that: 150

(a) The form of the ballot shall describe the emergency 151
existing, refer to this division as the authority under which 152
the emergency is declared, and state that the amount of the 153
proposed securities exceeds the limitations prescribed by 154
division (B) of this section; 155

(b) The resolution required by division (B) of section 156
133.18 of the Revised Code shall be certified to the county 157
auditor and the board of elections at least one hundred days 158
prior to the election; 159

(c) The county auditor shall advise and, not later than 160
ninety-five days before the election, confirm that advice by 161

certification to, the board of education of the information 162
required by division (C) of section 133.18 of the Revised Code; 163

(d) The board of education shall then certify its 164
resolution and the information required by division (D) of 165
section 133.18 of the Revised Code to the board of elections not 166
less than ninety days prior to the election. 167

(4) Notwithstanding division (B) of section 133.21 of the 168
Revised Code, the first principal payment of securities issued 169
under this division may be set at any date not later than sixty 170
months after the earliest possible principal payment otherwise 171
provided for in that division. 172

(G) (1) The board of education may contract with an 173
architect, professional engineer, or other person experienced in 174
the design and implementation of energy conservation measures 175
for an analysis and recommendations pertaining to installations, 176
modifications of installations, or remodeling that would 177
significantly reduce energy consumption in buildings owned by 178
the district. The report shall include estimates of all costs of 179
such installations, modifications, or remodeling, including 180
costs of design, engineering, installation, maintenance, 181
repairs, measurement and verification of energy savings, and 182
debt service, forgone residual value of materials or equipment 183
replaced by the energy conservation measure, as defined by the 184
Ohio facilities construction commission, a baseline analysis of 185
actual energy consumption data for the preceding three years 186
with the utility baseline based on only the actual energy 187
consumption data for the preceding twelve months, and estimates 188
of the amounts by which energy consumption and resultant 189
operational and maintenance costs, as defined by the commission, 190
would be reduced. 191

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

The facilities construction commission, in consultation with the auditor of state, may deny a request under division (G) (1) of this section by the board of education of any school district that is in a state of fiscal watch pursuant to division (A) of section 3316.03 of the Revised Code, if it determines that the expenditure of funds is not in the best interest of the school district.

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

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

(2) The board of education may contract with a person 222
experienced in the implementation of student transportation to 223
produce a report that includes an analysis of and 224
recommendations for the use of alternative fuel vehicles by 225
school districts. The report shall include cost estimates 226
detailing the return on investment over the life of the 227
alternative fuel vehicles and environmental impact of 228
alternative fuel vehicles. The report also shall include 229
estimates of all costs associated with alternative fuel 230
transportation, including facility modifications and vehicle 231
purchase costs or conversion costs. 232

If the board finds after receiving the report that the 233
amount of money the district would spend on purchasing 234
alternative fuel vehicles or vehicle conversion is not likely to 235
exceed the amount of money it would save in fuel and resultant 236
operational and maintenance costs over the ensuing five years, 237
the board may submit to the commission a copy of its findings 238
and a request for approval to incur indebtedness to finance the 239
purchase of new alternative fuel vehicles or vehicle conversions 240
for the purpose of reducing fuel costs. 241

The facilities construction commission, in consultation 242
with the auditor of state, may deny a request under division (G) 243
(2) of this section by the board of education of any school 244
district that is in a state of fiscal watch pursuant to division 245
(A) of section 3316.03 of the Revised Code, if it determines 246
that the expenditure of funds is not in the best interest of the 247
school district. 248

No district board of education of a school district that 249
is in a state of fiscal emergency pursuant to division (B) of 250
section 3316.03 of the Revised Code shall submit a request 251

without submitting evidence that the purchase or conversion of 252
alternative fuel vehicles has been approved by the district's 253
financial planning and supervision commission established under 254
section 3316.05 of the Revised Code. 255

~~No board of education of a school district for which an 256
academic distress commission has been established under section 257
3302.10 of the Revised Code shall submit a request without first 258
receiving approval to incur indebtedness from the district's 259
academic distress commission established under that section, for 260
so long as such commission continues to be required for the 261
district. 262~~

(3) The facilities construction commission shall approve 263
the board's request provided that the following conditions are 264
satisfied: 265

(a) The commission determines that the board's findings 266
are reasonable. 267

(b) The request for approval is complete. 268

(c) If the request was submitted under division (G) (1) of 269
this section, the installations, modifications, or remodeling 270
are consistent with any project to construct or acquire 271
classroom facilities, or to reconstruct or make additions to 272
existing classroom facilities under sections 3318.01 to 3318.20 273
or sections 3318.40 to 3318.45 of the Revised Code. 274

Upon receipt of the commission's approval, the district 275
may issue securities without a vote of the electors in a 276
principal amount not to exceed nine-tenths of one per cent of 277
its tax valuation for the purpose specified in division (G) (1) 278
or (2) of this section, but the total net indebtedness of the 279
district without a vote of the electors incurred under this and 280

all other sections of the Revised Code, except section 3318.052 281
of the Revised Code, shall not exceed one per cent of the 282
district's tax valuation. 283

(4) (a) So long as any securities issued under division (G) 284
(1) of this section remain outstanding, the board of education 285
shall monitor the energy consumption and resultant operational 286
and maintenance costs of buildings in which installations or 287
modifications have been made or remodeling has been done 288
pursuant to that division. Except as provided in division (G) (4) 289
(b) of this section, the board shall maintain and annually 290
update a report in a form and manner prescribed by the 291
facilities construction commission documenting the reductions in 292
energy consumption and resultant operational and maintenance 293
cost savings attributable to such installations, modifications, 294
or remodeling. The resultant operational and maintenance cost 295
savings shall be certified by the school district treasurer. The 296
report shall be submitted annually to the commission. 297

(b) If the facilities construction commission verifies 298
that the certified annual reports submitted to the commission by 299
a board of education under division (G) (4) (a) of this section 300
fulfill the guarantee required under division (B) of section 301
3313.372 of the Revised Code for three consecutive years, the 302
board of education shall no longer be subject to the annual 303
reporting requirements of division (G) (4) (a) of this section. 304

(5) So long as any securities issued under division (G) (2) 305
of this section remain outstanding, the board of education shall 306
monitor the purchase of new alternative fuel vehicles or vehicle 307
conversions pursuant to that division. The board shall maintain 308
and annually update a report in a form and manner prescribed by 309
the facilities construction commission documenting the purchase 310

of new alternative fuel vehicles or vehicle conversions, the 311
associated environmental impact, and return on investment. The 312
resultant fuel and operational and maintenance cost savings 313
shall be certified by the school district treasurer. The report 314
shall be submitted annually to the commission. 315

(H) With the consent of the superintendent of public 316
instruction, a school district may incur without a vote of the 317
electors net indebtedness that exceeds the amounts stated in 318
divisions (A) and (G) of this section for the purpose of paying 319
costs of permanent improvements, if and to the extent that both 320
of the following conditions are satisfied: 321

(1) The fiscal officer of the school district estimates 322
that receipts of the school district from payments made under or 323
pursuant to agreements entered into pursuant to section 725.02, 324
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 325
5709.45, 5709.57, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, 326
or 5709.82 of the Revised Code, or distributions under division 327
(C) of section 5709.43 or division (B) of section 5709.47 of the 328
Revised Code, or any combination thereof, are, after accounting 329
for any appropriate coverage requirements, sufficient in time 330
and amount, and are committed by the proceedings, to pay the 331
debt charges on the securities issued to evidence that 332
indebtedness and payable from those receipts, and the taxing 333
authority of the district confirms the fiscal officer's 334
estimate, which confirmation is approved by the superintendent 335
of public instruction; 336

(2) The fiscal officer of the school district certifies, 337
and the taxing authority of the district confirms, that the 338
district, at the time of the certification and confirmation, 339
reasonably expects to have sufficient revenue available for the 340

purpose of operating such permanent improvements for their 341
intended purpose upon acquisition or completion thereof, and the 342
superintendent of public instruction approves the taxing 343
authority's confirmation. 344

The maximum maturity of securities issued under division 345
(H) of this section shall be the lesser of twenty years or the 346
maximum maturity calculated under section 133.20 of the Revised 347
Code. 348

(I) A school district may incur net indebtedness by the 349
issuance of securities in accordance with the provisions of this 350
chapter in excess of the limit specified in division (B) or (C) 351
of this section when necessary to raise the school district 352
portion of the basic project cost and any additional funds 353
necessary to participate in a project under Chapter 3318. of the 354
Revised Code, including the cost of items designated by the 355
facilities construction commission as required locally funded 356
initiatives, the cost of other locally funded initiatives in an 357
amount that does not exceed fifty per cent of the district's 358
portion of the basic project cost, and the cost for site 359
acquisition. The commission shall notify the superintendent of 360
public instruction whenever a school district will exceed either 361
limit pursuant to this division. 362

(J) A school district whose portion of the basic project 363
cost of its classroom facilities project under sections 3318.01 364
to 3318.20 of the Revised Code is greater than or equal to one 365
hundred million dollars may incur without a vote of the electors 366
net indebtedness in an amount up to two per cent of its tax 367
valuation through the issuance of general obligation securities 368
in order to generate all or part of the amount of its portion of 369
the basic project cost if the controlling board has approved the 370

facilities construction commission's conditional approval of the 371
project under section 3318.04 of the Revised Code. The school 372
district board and the Ohio facilities construction commission 373
shall include the dedication of the proceeds of such securities 374
in the agreement entered into under section 3318.08 of the 375
Revised Code. No state moneys shall be released for a project to 376
which this section applies until the proceeds of any bonds 377
issued under this section that are dedicated for the payment of 378
the school district portion of the project are first deposited 379
into the school district's project construction fund. 380

Sec. 3302.036. (A) Notwithstanding anything in the Revised 381
Code to the contrary, the department of education shall not 382
assign an overall letter grade under division (C) (3) of section 383
3302.03 of the Revised Code for any school district or building 384
for the 2014-2015, 2015-2016, ~~or~~ and 2016-2017 school years, 385
may, at the discretion of the state board of education, not 386
assign an individual grade to any component prescribed under 387
division (C) (3) of section 3302.03 of the Revised Code, and 388
shall not rank school districts, community schools established 389
under Chapter 3314. of the Revised Code, or STEM schools 390
established under Chapter 3326. of the Revised Code under 391
section 3302.21 of the Revised Code for those school years. The 392
report card ratings issued for the 2014-2015, 2015-2016, ~~or~~ and 393
2016-2017 school years shall not be considered in determining 394
whether a school district or a school is subject to sanctions or 395
penalties. However, the report card ratings of any previous or 396
subsequent years shall be considered in determining whether a 397
school district or building is subject to sanctions or 398
penalties. Accordingly, the report card ratings for the 2014- 399
2015, 2015-2016, ~~or~~ and 2016-2017 school years shall have no 400
effect in determining sanctions or penalties, but shall not 401

create a new starting point for determinations that are based on 402
ratings over multiple years. 403

(B) The provisions from which a district or school is 404
exempt under division (A) of this section shall be the 405
following: 406

(1) Any restructuring provisions established under this 407
chapter, except as required under the "No Child Left Behind Act 408
of 2001"; 409

(2) Provisions for the Columbus city school pilot project 410
under section 3302.042 of the Revised Code; 411

~~(3) Provisions for academic distress commissions under 412
former section 3302.10 of the Revised Code as it existed prior 413
to the effective date of this amendment. The provisions of this 414
section do not apply to academic distress commissions under the 415
version of that section as it exists on or after the effective 416
date of this amendment. 417~~

~~(4) Provisions prescribing new buildings where students 418
are eligible for the educational choice scholarships under 419
section 3310.03 of the Revised Code; 420~~

~~(5) (4) Provisions defining "challenged school districts" 421
in which new start-up community schools may be located, as 422
prescribed in section 3314.02 of the Revised Code; 423~~

~~(6) (5) Provisions prescribing community school closure 424
requirements under section 3314.35 or 3314.351 of the Revised 425
Code. 426~~

(C) Notwithstanding anything in the Revised Code to the 427
contrary and except as provided in Section 3 of H.B. 7 of the 428
131st general assembly, no school district, community school, or 429

STEM school shall utilize at any time during a student's 430
academic career a student's score on any assessment administered 431
under division (A) of section 3301.0710 or division (B) (2) of 432
section 3301.0712 of the Revised Code in the 2014-2015, 2015- 433
2016, ~~or~~ and 2016-2017 school ~~year~~ years as a factor in any 434
decision to promote or to deny the student promotion to a higher 435
grade level or in any decision to grant course credit. No 436
individual student score reports on such assessments 437
administered in the 2014-2015, 2015-2016, or 2016-2017 school 438
years shall be released, except to a student's school district 439
or school or to the student or the student's parent or guardian. 440

Sec. 3302.042. (A) This section shall operate as a pilot 441
project that applies to any school that has been ranked 442
according to performance index score under section 3302.21 of 443
the Revised Code in the lowest five per cent of all public 444
school buildings statewide for three or more consecutive school 445
years and is operated by the Columbus city school district. The 446
pilot project shall commence once the department of education 447
establishes implementation guidelines for the pilot project in 448
consultation with the Columbus city school district. 449

(B) Except as provided in division (D), (E), or (F) of 450
this section, if the parents or guardians of at least fifty per 451
cent of the students enrolled in a school to which this section 452
applies, or if the parents or guardians of at least fifty per 453
cent of the total number of students enrolled in that school and 454
the schools of lower grade levels whose students typically 455
matriculate into that school, by the thirty-first day of 456
December of any school year in which the school is subject to 457
this section, sign and file with the school district treasurer a 458
petition requesting the district board of education to implement 459
one of the following reforms in the school, and if the validity 460

and sufficiency of the petition is certified in accordance with 461
division (C) of this section, the board shall implement the 462
requested reform in the next school year: 463

(1) Reopen the school as a community school under Chapter 464
3314. of the Revised Code; 465

(2) Replace at least seventy per cent of the school's 466
personnel who are related to the school's poor academic 467
performance or, at the request of the petitioners, retain not 468
more than thirty per cent of the personnel; 469

(3) Contract with another school district or a nonprofit 470
or for-profit entity with a demonstrated record of effectiveness 471
to operate the school; 472

(4) Turn operation of the school over to the department; 473

(5) Any other major restructuring of the school that makes 474
fundamental reforms in the school's staffing or governance. 475

(C) Not later than thirty days after receipt of a petition 476
under division (B) of this section, the district treasurer shall 477
verify the validity and sufficiency of the signatures on the 478
petition and certify to the district board whether the petition 479
contains the necessary number of valid signatures to require the 480
board to implement the reform requested by the petitioners. If 481
the treasurer certifies to the district board that the petition 482
does not contain the necessary number of valid signatures, any 483
person who signed the petition may file an appeal with the 484
county auditor within ten days after the certification. Not 485
later than thirty days after the filing of an appeal, the county 486
auditor shall conduct an independent verification of the 487
validity and sufficiency of the signatures on the petition and 488
certify to the district board whether the petition contains the 489

necessary number of valid signatures to require the board to 490
implement the requested reform. If the treasurer or county 491
auditor certifies that the petition contains the necessary 492
number of valid signatures, the district board shall notify the 493
superintendent of public instruction and the state board of 494
education of the certification. 495

(D) The district board shall not implement the reform 496
requested by the petitioners in any of the following 497
circumstances: 498

(1) The district board has determined that the request is 499
for reasons other than improving student academic achievement or 500
student safety. 501

(2) The state superintendent has determined that 502
implementation of the requested reform would not comply with the 503
model of differentiated accountability described in section 504
3302.041 of the Revised Code. 505

(3) The petitioners have requested the district board to 506
implement the reform described in division (B) (4) of this 507
section and the department has not agreed to take over the 508
school's operation. 509

(4) When all of the following have occurred: 510

(a) After a public hearing on the matter, the district 511
board issued a written statement explaining the reasons that it 512
is unable to implement the requested reform and agreeing to 513
implement one of the other reforms described in division (B) of 514
this section. 515

(b) The district board submitted its written statement to 516
the state superintendent and the state board along with evidence 517
showing how the alternative reform the district board has agreed 518

to implement will enable the school to improve its academic performance. 519
520

(c) Both the state superintendent and the state board have approved implementation of the alternative reform. 521
522

(E) If the provisions of this section conflict in any way with the requirements of federal law, federal law shall prevail over the provisions of this section. 523
524
525

(F) If a school is restructured under this section, ~~section 3302.10 or 3302.12 of the Revised Code,~~ or federal law, the school shall not be required to restructure again under state law for three consecutive years after the implementation of that prior restructuring. 526
527
528
529
530

(G) Beginning not later than six months after the first petition under this section has been resolved, the department of education shall annually evaluate the pilot program and submit a report to the general assembly under section 101.68 of the Revised Code. Such reports shall contain its recommendations to the general assembly with respect to the continuation of the pilot program, its expansion to other school districts, or the enactment of further legislation establishing the program statewide under permanent law. 531
532
533
534
535
536
537
538
539

Sec. 3302.10. (A) Any academic distress commission organized for a school district under former section 3302.10 of the Revised Code, as it existed prior to the effective date of this section, is hereby dissolved. The board of education of each district wherein an academic distress commission previously had been established shall reassume all of the powers granted to it under the Revised Code. 540
541
542
543
544
545
546

(B) (1) Beginning July 1, 2021, this section applies to 547

each building operated by a school district for which an 548
academic distress commission had been established under former 549
section 3302.10 of the Revised Code, as it existed prior to the 550
effective date of this section, and which building also received 551
an overall grade of "F" under division (C)(3) of section 3302.03 552
of the Revised Code for the previous school year. Each building 553
to which this division applies shall commence the procedure 554
prescribed by division (C)(1) of this section. 555

(2) Beginning July 1, 2022, this section applies to any 556
school building operated by a city, local, or exempted village 557
school district which is not subject to division (B)(1) of this 558
section and which building receives an overall grade of "F" 559
under division (C)(3) of section 3302.03 of the Revised Code for 560
the previous school year. Each building to which this division 561
applies shall commence the procedure prescribed by division (C) 562
(1) of this section. 563

(C)(1) For each school building, in the first year, to 564
which this section applies, the superintendent of public 565
instruction shall designate the building as "in need of 566
improvement," and the district board shall establish a school 567
improvement team for the building. Each team shall be comprised 568
of administrators and teachers, and may include community 569
stakeholders, with oversight from the district board. 570

The improvement team shall do the following: 571

(a) Conduct a performance audit that reviews the needs of 572
students, parents, teachers, and administrators of the school 573
building. As part of the performance audit, the improvement team 574
shall convene a group of parents and community stakeholders from 575
within the attendance zone of the building and seek input on 576
student needs and school improvement strategies. 577

<u>(b) Develop a school improvement plan based on a multi-</u>	578
<u>tiered, evidence-based model. The plan may include measurable</u>	579
<u>benchmarks for improvement in the following areas:</u>	580
<u>(i) Parent and family engagement;</u>	581
<u>(ii) Creating a culture of academic success among</u>	582
<u>students;</u>	583
<u>(iii) Building a culture of student support among school</u>	584
<u>faculty and staff;</u>	585
<u>(iv) Student attendance;</u>	586
<u>(v) Dismissal and exclusion rates;</u>	587
<u>(vi) Student safety and discipline;</u>	588
<u>(vii) Student promotion and dropout rates;</u>	589
<u>(viii) Graduation rates.</u>	590
<u>(c) Submit the improvement plan to the district board for</u>	591
<u>approval not later than the final day of the school year in</u>	592
<u>which the process described in division (C)(1) of this section</u>	593
<u>began. The district board and the district superintendent shall</u>	594
<u>review the plan and may change elements of the plan in</u>	595
<u>consultation with the improvement team. Prior to approving the</u>	596
<u>plan, the district board shall seek community feedback in one or</u>	597
<u>more public hearings.</u>	598
<u>(d) An improvement team may request technical support from</u>	599
<u>the department of education during development of the plan.</u>	600
<u>(e) An improvement team may recommend that the district</u>	601
<u>board voluntarily initiate a community learning center model</u>	602
<u>process for the building, as described in section 3302.17 of the</u>	603
<u>Revised Code.</u>	604

(2) If a school building receives an overall grade of "F" under division (C) (3) of section 3302.03 of the Revised Code for a second consecutive year, the building shall retain "in need of improvement" status, and the district board and the improvement team shall begin implementing the improvement plan developed under division (C) (1) of this section. The improvement team shall monitor progress on the implementation of the improvement plan, with oversight from the district board. The improvement team may hire an academic coordinator or request technical support from the department during implementation of the plan. 605
606
607
608
609
610
611
612
613
614

(3) If a school building receives an overall grade of "F" under division (C) (3) of section 3302.03 of the Revised Code for a third consecutive year, the building shall retain "in need of improvement" status, and the improvement team shall continue implementing the improvement plan, with oversight from the district board. The department of education may perform a mid-year and end-of-year review of the measurable benchmarks in the improvement plan and provide feedback to the improvement team, district board, and district superintendent. 615
616
617
618
619
620
621
622
623

(4) (a) If a school building receives an overall grade of "F" under division (C) (3) of section 3302.03 of the Revised Code for a fourth consecutive year, the building shall retain "in need of improvement" status, and the improvement team shall continue implementing the improvement plan, with oversight from the district board. The state superintendent shall review the progress made under the school improvement plan and determine if the building may move out of "in need of improvement" status. 624
625
626
627
628
629
630
631

(b) In determining whether a building shall move out of "in need of improvement" status, the state superintendent shall review whether the school has made marked improvement under the 632
633
634

improvement plan in accordance with the criteria developed under 635
division (C) (5) of this section. 636

(5) The state board of education shall adopt rules 637
establishing criteria for the state superintendent to consider 638
when determining whether a building may move out of "in need of 639
improvement" status. 640

(D) (1) Beginning July 1, 2021, the state superintendent, 641
in conjunction with the state board, shall convene a meeting of 642
stakeholders to determine the best method to support school 643
buildings that fail to meet improvement benchmarks under the 644
improvement plan developed under division (C) (1) of this section 645
and prepare a report of the recommendations. 646

(2) The state superintendent shall submit this report to 647
the standing committees of the house of representatives and 648
senate that consider education legislation not later than 649
January 1, 2022. 650

Sec. 3302.16. (A) (1) As used in sections 3302.10, 3302.17, 651
and 3302.18 of the Revised Code, "community learning center" 652
means a school operated by a city, exempted village, or local 653
school district or community school established under Chapter 654
3314. of the Revised Code that participates in a coordinated, 655
community-based effort with community partners to provide 656
comprehensive educational, developmental, family, and health 657
services to students, families, and community members during 658
school hours and hours in which school is not in session. 659

(2) For purposes of this section and sections 3302.10, 660
3302.17, and 3302.18 of the Revised Code, "community partner" 661
means a provider to students, families, or community members of 662
health care services, on-site resource coordinators, and any 663

other services or programs determined appropriate by a school 664
action team created under section 3302.18 of the Revised Code. 665

(B) Prior to providing health services to a student, a 666
community learning center shall obtain the written consent of 667
the student's parent, guardian, or custodian, if the student is 668
less than eighteen years old, or the written consent of the 669
student, if the student is at least eighteen years old. 670

(C) A community learning center and any employee, 671
contractor, or volunteer of a community learning center shall, 672
in accordance with all applicable state and federal laws, 673
maintain the confidentiality of patient-identifying information 674
obtained in the course of providing health services. 675

Sec. 3302.17. (A) Any school building operated by a city, 676
exempted village, or local school district, or a community 677
school established under Chapter 3314. of the Revised Code is 678
eligible to initiate the community learning center process as 679
prescribed by this section. 680

(B) ~~Beginning with the 2015-2016 school year, each~~ Each 681
district board of education or community school governing 682
authority may initiate a community learning center process for 683
any school building ~~to which this section applies~~ in the manner 684
prescribed by this division. 685

First, the board or governing authority shall conduct a 686
public information hearing at each school building to which this 687
section applies to inform the community of the community 688
learning center process. The board or governing authority may do 689
all of the following with regard to the public information 690
hearing: 691

(1) Announce the meeting not less than forty-five days in 692

advance at the school and on the school's or district's web 693
sites and using tools to ensure effective communication with 694
individuals with disabilities; 695

(2) Schedule the meeting for an evening or weekend time; 696

(3) Provide interpretation services and written materials 697
in all languages spoken by five per cent or more of the students 698
enrolled in the school; 699

(4) Provide child care services for parents attending the 700
meeting; 701

(5) Provide parents, students, teachers, nonteaching 702
employees, and community members with the opportunity to speak 703
at the meeting; 704

(6) Comply with section 149.43 of the Revised Code. 705

In preparing for the public information hearing, the board 706
or governing authority shall ensure that information about the 707
hearing is broadly distributed throughout the community. 708

The board or governing authority may enter into an 709
agreement with any civic engagement organizations, community 710
organizations, or employee organizations to support the 711
implementation of the community learning center process. 712

The board or governing authority shall conduct a follow-up 713
hearing at least once annually until action is further taken 714
under the section with respect to the school building or until 715
the conditions described in division (A) of this section no 716
longer apply to the school building. 717

(C) Not sooner than forty-five days after the first public 718
information hearing, the board or governing authority shall 719
conduct an election, by paper ballot, to initiate the process to 720

become a community learning center. Only parents or guardians of 721
students enrolled in the school and students enrolled in a 722
different school operated by a joint vocational school district 723
but are otherwise entitled to attend the school, and teachers 724
and nonteaching employees who are assigned to the school may 725
vote in the election. 726

The board or governing authority shall distribute the 727
ballots by mail and shall make copies available at the school 728
and on the web site of the school. The board or governing 729
authority also may distribute the ballots by directly giving 730
ballots to teachers and nonteaching employees and sending home 731
ballots with every student enrolled in the school building. 732

(D) The board or governing authority shall initiate the 733
transition of the building to a community learning center if the 734
results of the election held under division (C) of this section 735
are as follows: 736

(1) At least fifty per cent of parents and guardians of 737
students enrolled in the eligible school building and students 738
enrolled in a different building operated by a joint vocational 739
school district but who are entitled to attend the school cast 740
ballots by a date set by the board or governing authority, and 741
of those ballots at least sixty-seven per cent are in favor of 742
initiating the process; and 743

(2) At least fifty per cent of teachers and nonteaching 744
employees who are assigned to the school cast ballots by a date 745
set by the board or governing authority, and of those ballots at 746
least sixty-seven per cent are in favor of initiating the 747
process. 748

(E) If a community learning center process is initiated 749

under this section, the board or governing authority shall 750
create a school action team under section 3302.18 of the Revised 751
Code. Within four months upon selection, the school action team 752
shall conduct and complete, in consultation with community 753
partners, a performance audit of the school and review, with 754
parental input, the needs of the school with regard to 755
restructuring under section ~~3302.10, 3302.12, or 3302.042~~ of the 756
Revised Code, or federal law. 757

The school action team shall provide quarterly updates of 758
its work in a public hearing that complies with the same 759
specifications prescribed in division (B) of this section. 760

(F) Upon completion of the audit and review, the school 761
action team shall present its findings at a public hearing that 762
complies with the same specifications prescribed in division (B) 763
of this section. After the school action team presents its 764
findings at the public hearing, it shall create a community 765
learning center improvement plan that designates appropriate 766
interventions, which may be based on the recommendations 767
developed by the department under division (H) (1) (b) of this 768
section. 769

If there is a federally mandated school improvement 770
planning process, the team shall coordinate its work with that 771
plan. 772

The school action team shall approve the plan by a 773
majority vote. 774

(G) Upon approval of the plan by the school action team, 775
the team shall submit the community learning center improvement 776
plan to the same individuals described in division (C) of this 777
section. Ballots shall be distributed and an election shall be 778

conducted in the same manner as indicated under that division. 779

The school action team shall submit the plan to the 780
district board of education or community school governing 781
authority, if the results of the election under division (G) of 782
this section are as follows: 783

(1) At least thirty per cent of parents and guardians of 784
students enrolled in the eligible school building and students 785
enrolled in a different building operated by a joint vocational 786
school district but who are entitled to attend the school cast 787
ballots by a date set by the board or governing authority, and 788
of those ballots at least fifty per cent are in favor of 789
initiating the process; and 790

(2) At least thirty per cent of teachers and nonteaching 791
employees who are assigned to the school cast ballots by a date 792
set by the board or governing authority, and of those ballots at 793
least fifty per cent are in favor of initiating the process. 794

The board or governing authority shall evaluate the plan 795
and determine whether to adopt it. The board or governing 796
authority shall adopt the plan in full or adopt portions of the 797
plan. If the board or governing authority does not adopt the 798
plan in full, it shall provide a written explanation of why 799
portions of the plan were rejected. 800

(H) (1) The department shall do all of the following with 801
respect to this section: 802

(a) Adopt rules regarding the elections required under 803
this section; 804

(b) Develop appropriate interventions for a community 805
learning center improvement plan that may be used by a school 806
action team under division (F) of this section; 807

(c) Publish a menu of programs and services that may be offered by community learning centers. The information shall be posted on the department's web site. To compile this information the department shall solicit input from resource coordinators of existing community learning centers. 808
809
810
811
812

(d) Provide information regarding implementation of comprehensive community-based programs and supportive services including the community learning center model to school buildings meeting any of the following conditions: 813
814
815
816

(i) The building is in improvement status as defined by the "No Child Left Behind Act of 2001" or under an agreement between the Ohio department of education and the United States secretary of education. 817
818
819
820

(ii) The building is a secondary school that is among the lowest achieving fifteen per cent of secondary schools statewide, as determined by the department. 821
822
823

(iii) The building is a secondary school with a graduation rate of sixty per cent or lower for three or more consecutive years. 824
825
826

(iv) The building is a school that the department determines is persistently low-performing. 827
828

(2) The department may do the following with respect to this section: 829
830

(a) Provide assistance, facilitation, and training to school action teams in the conducting of the audit required under this section; 831
832
833

(b) Provide opportunities for members of school action teams from different schools to share school improvement 834
835

strategies with parents, teachers, and other relevant 836
stakeholders in higher performing schools; 837

(c) Provide financial support in a school action team's 838
planning process and create a grant program to assist in the 839
implementation of a qualified community learning center plan. 840

(I) Notwithstanding any provision to the contrary in 841
Chapter 4117. of the Revised Code, the requirements of this 842
section prevail over any conflicting provisions of a collective 843
bargaining agreement entered into on or after ~~the effective date~~ 844
~~of this section~~ October 15, 2015. However, the board or 845
governing authority and the teachers' labor organization may 846
negotiate additional factors to be considered in the adoption of 847
a community learning center plan. 848

Sec. 3310.02. (A) The educational choice scholarship pilot 849
program is hereby established. Under the program, the department 850
of education annually shall pay scholarships to attend chartered 851
nonpublic schools in accordance with section 3310.08 of the 852
Revised Code for up to the following number of eligible 853
students: 854

(1) Thirty thousand in the 2011-2012 school year; 855

(2) Sixty thousand in the 2012-2013 school year and 856
thereafter. 857

For any school year for which the number of applications 858
for scholarships timely submitted for the program exceeds ninety 859
per cent of the maximum number of scholarships permitted under 860
division (A) of this section, the department shall increase the 861
maximum number of scholarships permitted for the following 862
school year by five per cent. The department shall make the 863
increased number of scholarships available for each subsequent 864

school year until the department is again required to increase 865
the number of scholarships under division (A) of this section. 866

If the number of students who apply for a scholarship 867
exceeds the maximum number of scholarships permitted under 868
division (A) of this section, priority shall be given to those 869
students applying for a scholarship under section 3310.03 of the 870
Revised Code in accordance with division (B) of this section. 871

(B) The department shall award scholarships under section 872
3310.03 of the Revised Code in the following order of priority: 873

(1) First, to eligible students who received scholarships 874
in the prior school year; 875

~~(2) Second, to eligible students with family incomes at or 876
below two hundred per cent of the federal poverty guidelines, as 877
defined in section 5101.46 of the Revised Code, who qualify 878
under division (C) of section 3310.03 of the Revised Code. If 879
the number of students described in division (B) (2) of this 880
section who apply for a scholarship exceeds the number of 881
available scholarships after awards are made under division (B) 882
(1) of this section, the department shall select students 883
described in division (B) (2) of this section by lot to receive 884
any remaining scholarships. 885~~

~~(3) Third, to other eligible students who qualify under 886
division (C) of section 3310.03 of the Revised Code. If the 887
number of students described in division (B) (3) of this section 888
who apply for a scholarship exceeds the number of available 889
scholarships after awards are made under divisions (B) (1) and 890
(2) of this section, the department shall select students 891
described in division (B) (3) of this section by lot to receive 892
any remaining scholarships. 893~~

~~(4) Fourth,~~ to eligible students with family incomes at or 894
below two hundred per cent of the federal poverty guidelines who 895
qualify under division (A) of section 3310.03 of the Revised 896
Code. If the number of students described in division ~~(B) (4)~~ (B) 897
(2) of this section who apply for a scholarship exceeds the 898
number of available scholarships after awards are made under 899
~~divisions~~ division (B) (1) ~~to (3)~~ of this section, the department 900
shall select students described in division ~~(B) (4)~~ (B) (2) of 901
this section by lot to receive any remaining scholarships. 902

~~(5) Fifth~~ (3) Third, to other eligible students who qualify 903
under division (A) of section 3310.03 of the Revised Code. If 904
the number of students described in division ~~(B) (5)~~ (B) (3) of 905
this section who apply for a scholarship exceeds the number of 906
available scholarships after awards are made under divisions (B) 907
(1) ~~to (4)~~ and (2) of this section, the department shall select 908
students described in division ~~(B) (5)~~ (B) (3) of this section by 909
lot to receive any remaining scholarships. 910

Sec. 3310.03. For the 2021-2022 school year and each 911
school year thereafter, a student is an "eligible student" for 912
purposes of the educational choice scholarship pilot program if 913
the student's resident district is not a school district in 914
which the pilot project scholarship program is operating under 915
sections 3313.974 to 3313.979 of the Revised Code, the student 916
satisfies one of the conditions in division (A), (B), or (C) of 917
this section, and the student maintains eligibility to receive a 918
scholarship under division (D) of this section. 919

However, any student who received a scholarship for the 920
2020-2021 school year under this section, as it existed prior to 921
~~the effective date of this amendment~~ March 2, 2021, shall 922
continue to receive that scholarship until the student completes 923

grade twelve, as long as the student maintains eligibility to 924
receive a scholarship under division (D) of this section. 925

(A)(1) A student is eligible for a scholarship if the 926
student is enrolled in a school building operated by the 927
student's resident district and to which both of the following 928
apply: 929

(a) The building was ranked in the lowest twenty per cent 930
of all buildings operated by city, local, and exempted village 931
school districts according to performance index score as 932
determined by the department of education, as follows: 933

(i) For a scholarship sought for the 2021-2022 or 2022- 934
2023 school year, the building was ranked in the lowest twenty 935
per cent of buildings for each of the 2017-2018 and 2018-2019 936
school years. 937

(ii) For a scholarship sought for the 2023-2024 school 938
year, the building was ranked in the lowest twenty per cent of 939
buildings for each of the 2020-2021 and 2021-2022 school years. 940

(iii) For a scholarship sought for the 2024-2025 school 941
year or any school year thereafter, the building was ranked in 942
the lowest twenty per cent of buildings for at least two of the 943
three most recent consecutive rankings issued prior to the first 944
day of July of the school year for which a scholarship is 945
sought. 946

(b) The building is operated by a school district in 947
which, for the three consecutive school years prior to the 948
school year for which a scholarship is sought, an average of 949
twenty per cent or more of the students entitled to attend 950
school in the district, under section 3313.64 or 3313.65 of the 951
Revised Code, were qualified to be included in the formula to 952

distribute funds under Title I of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6301 et seq. 953
954

When ranking school buildings under division (A) (1) of this section, the department shall not include buildings operated by a school district in which the pilot project scholarship program is operating in accordance with sections 3313.974 to 3313.979 of the Revised Code. 955
956
957
958
959

(2) A student is eligible for a scholarship if the student will be enrolling in any of grades kindergarten through twelve in this state for the first time in the school year for which a scholarship is sought, will be at least five years of age, as defined in section 3321.01 of the Revised Code, by the first day of January of the school year for which a scholarship is sought, and otherwise would be assigned under section 3319.01 of the Revised Code in the school year for which a scholarship is sought, to a school building described in division (A) (1) of this section. 960
961
962
963
964
965
966
967
968
969

(3) A student is eligible for a scholarship if the student is enrolled in a community school established under Chapter 3314. of the Revised Code but otherwise would be assigned under section 3319.01 of the Revised Code to a building described in division (A) (1) of this section. 970
971
972
973
974

(4) A student is eligible for a scholarship if the student is enrolled in a school building operated by the student's resident district or in a community school established under Chapter 3314. of the Revised Code and otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (A) (1) of this section in the school year for which the scholarship is sought. 975
976
977
978
979
980
981

(B) A student is eligible for a scholarship if the student 982
is enrolled in a nonpublic school at the time the school is 983
granted a charter by the state board of education under section 984
3301.16 of the Revised Code and the student meets the standards 985
of division (B) of section 3310.031 of the Revised Code. 986

~~(C) A Prior to the effective date of this amendment, a 987
student is eligible for a scholarship if the student's resident 988
district ~~is~~ was subject to former section 3302.10 of the Revised 989
Code ~~and the student either:~~ 990~~

~~(1) Is enrolled in a school building operated by the 991
resident district or in a community school established under 992
Chapter 3314. of the Revised Code; 993~~

~~(2) Will be both enrolling in any of grades kindergarten 994
through twelve in this state for the first time and at least 995
five years of age by the first day of January of the school year 996
for which a scholarship is sought as it existed on that date, 997
and the student remains an eligible student pursuant to division 998
(D) of this section. The department shall cease awarding first- 999
time scholarships pursuant to division (C) of this section on 1000
the effective date of this amendment. 1001~~

(D) A student who receives a scholarship under the 1002
educational choice scholarship pilot program remains an eligible 1003
student and may continue to receive scholarships in subsequent 1004
school years until the student completes grade twelve, so long 1005
as all of the following apply: 1006

(1) The student's resident district remains the same, or 1007
the student transfers to a new resident district and otherwise 1008
would be assigned in the new resident district to a school 1009
building described in division (A) (1) or (C) of this section. 1010

(2) The student takes each assessment prescribed for the student's grade level under ~~sections~~ section 3301.0710, 3301.0712, or 3313.619 of the Revised Code while enrolled in a chartered nonpublic school, unless one of the following applies to the student:

(a) The student is excused from taking that assessment under federal law, the student's individualized education program, or division (C) (1) (c) (i) of section 3301.0711 of the Revised Code.

(b) The student is enrolled in a chartered nonpublic school that meets the conditions specified in division (K) (2) or (L) (4) of section 3301.0711 of the Revised Code.

(c) The student is enrolled in any of grades three to eight and takes an alternative standardized assessment under division (K) (1) of section 3301.0711 of the Revised Code.

(d) The student is excused from taking the assessment prescribed under division (B) (1) of section 3301.0712 of the Revised Code pursuant to division (C) (1) (c) (ii) of section 3301.0711 of the Revised Code.

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

~~(E) (1)~~—The department shall cease awarding first-time scholarships pursuant to divisions (A) (1) to (4) of this section with respect to a school building that, in the most recent ratings of school buildings under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (A) (1) of this section.

~~(2) The department shall cease awarding first time~~ 1040
~~scholarships pursuant to division (C) of this section with~~ 1041
~~respect to a school district subject to section 3302.10 of the~~ 1042
~~Revised Code when the academic distress commission established~~ 1043
~~for the district ceases to exist.~~ 1044

~~(3) However, students who have received scholarships in~~ 1045
~~the prior school year remain eligible students pursuant to~~ 1046
~~division (D) of this section.~~ 1047

(F) The state board of education shall adopt rules 1048
defining excused absences for purposes of division (D) (3) of 1049
this section. 1050

Sec. 3311.29. (A) Except as provided under division (B), 1051
(C), or (D) of this section, no school district shall be created 1052
and no school district shall exist which does not maintain 1053
within such district public schools consisting of grades 1054
kindergarten through twelve and any such existing school 1055
district not maintaining such schools shall be dissolved and its 1056
territory joined with another school district or districts by 1057
order of the state board of education if no agreement is made 1058
among the surrounding districts voluntarily, which order shall 1059
provide an equitable division of the funds, property, and 1060
indebtedness of the dissolved school district among the 1061
districts receiving its territory. The state board of education 1062
may authorize exceptions to school districts where topography, 1063
sparsity of population, and other factors make compliance 1064
impracticable. 1065

The superintendent of public instruction is without 1066
authority to distribute funds under Chapter 3317. of the Revised 1067
Code to any school district that does not maintain schools with 1068
grades kindergarten through twelve and to which no exception has 1069

been granted by the state board of education. 1070

(B) Division (A) of this section does not apply to any 1071
joint vocational school district or any cooperative education 1072
school district established pursuant to divisions (A) to (C) of 1073
section 3311.52 of the Revised Code. 1074

(C) (1) (a) Except as provided in division (C) (3) of this 1075
section, division (A) of this section does not apply to any 1076
cooperative education school district established pursuant to 1077
section 3311.521 of the Revised Code nor to the city, exempted 1078
village, or local school districts that have territory within 1079
such a cooperative education district. 1080

(b) The cooperative district and each city, exempted 1081
village, or local district with territory within the cooperative 1082
district shall maintain the grades that the resolution adopted 1083
or amended pursuant to section 3311.521 of the Revised Code 1084
specifies. 1085

(2) Any cooperative education school district described 1086
under division (C) (1) of this section that fails to maintain the 1087
grades it is specified to operate shall be dissolved by order of 1088
the state board of education unless prior to such an order the 1089
cooperative district is dissolved pursuant to section 3311.54 of 1090
the Revised Code. Any such order shall provide for the equitable 1091
adjustment, division, and disposition of the assets, property, 1092
debts, and obligations of the district among each city, local, 1093
and exempted village school district whose territory is in the 1094
cooperative district and shall provide that the tax duplicate of 1095
each city, local, and exempted village school district whose 1096
territory is in the cooperative district shall be bound for and 1097
assume its share of the outstanding indebtedness of the 1098
cooperative district. 1099

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

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

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

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

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

(B) Notwithstanding section 3314.10 and sections 4117.03 to 4117.18 of the Revised Code and Section 4 of Amended Substitute Senate Bill No. 133 of the 115th general assembly, the employees of a conversion community school that is sponsored by the board of education of a municipal school district ~~or a school district for which an academic distress commission has been established under section 3302.10 of the Revised Code~~ shall

cease to be subject to any future collective bargaining 1129
agreement, if the mayor ~~or chief executive officer~~ submits to 1130
the board of education sponsoring the school and to the state 1131
employment relations board a statement requesting that all 1132
employees of the community school be removed from a collective 1133
bargaining unit. The employees of the community school who are 1134
covered by a collective bargaining agreement in effect on the 1135
date the mayor ~~or chief executive officer~~ submits the statement 1136
shall remain subject to that collective bargaining agreement 1137
until the collective bargaining agreement expires on its terms. 1138
Upon expiration of that collective bargaining agreement, the 1139
employees of that school are not subject to Chapter 4117. of the 1140
Revised Code and may not organize or collectively bargain 1141
pursuant to that chapter. 1142

Section 2. That existing sections 133.06, 3302.036, 1143
3302.042, 3302.16, 3302.17, 3310.02, 3310.03, 3311.29, and 1144
3314.102 of the Revised Code are hereby repealed. 1145

Section 3. That sections 3302.10, 3302.101, 3302.102, 1146
3302.11, and 3302.12 of the Revised Code are hereby repealed. 1147

Section 4. That Section 5 of S.B. 89 of the 133rd General 1148
Assembly be amended to read as follows: 1149

Sec. 5. (A) Notwithstanding anything to the contrary in 1150
section 3310.03 of the Revised Code, a student is eligible for 1151
an Educational Choice Scholarship for the 2021-2022 school year 1152
if the student satisfies all of the following conditions: 1153

(1) The student was enrolled in a public or nonpublic 1154
school in any of grades kindergarten through twelve, or was 1155
homeschooled for the equivalent of those grades, in the 2020- 1156
2021 school year. 1157

(2) The student was eligible for a scholarship for the 1158
2020-2021 school year under Section 31 of H.B. 197 of the 133rd 1159
General Assembly. 1160

(3) For the 2021-2022 school year, the student would be 1161
enrolled in a building that, in the 2019-2020 school year, met 1162
one of the conditions described in division (A), (B), ~~(D)~~, or 1163
(E) of section 3310.03 of the Revised Code, as it existed prior 1164
to ~~the effective date of this section~~ March 2, 2021. 1165

(B) If the number of students who apply for an Educational 1166
Choice Scholarship exceeds the maximum number of scholarships 1167
permitted under division (A) of section 3310.02 of the Revised 1168
Code, priority shall first be given to those students applying 1169
for a scholarship under section 3310.03 of the Revised Code in 1170
accordance with division (B) of section 3310.02 of the Revised 1171
Code. If the number of available scholarships has not been 1172
exceeded after scholarships are awarded in accordance with 1173
section 3310.02 of the Revised Code, the Department of Education 1174
shall award scholarships under this section in the following 1175
order of priority: 1176

(1) First, to eligible students with family incomes at or 1177
below two hundred per cent of the federal poverty guidelines who 1178
qualify under this section. If the number of students described 1179
in division (B)(1) of this section who apply for a scholarship 1180
exceeds the number of available scholarships after awards are 1181
made under divisions (B)(1) to ~~(5)~~ (3) of section 3310.02 of the 1182
Revised Code, the Department shall select students described in 1183
division (B)(1) of this section by lot to receive any remaining 1184
scholarships. 1185

(2) Second, to other eligible students who qualify under 1186
this section. If the number of students described in division 1187

(B) (2) of this section who apply for a scholarship exceeds the 1188
number of available scholarships after awards are made under 1189
divisions (B) (1) to ~~(5)~~ (3) of section 3310.02 of the Revised 1190
Code and division (B) (1) of this section, the Department shall 1191
select students described in division (B) (2) of this section by 1192
lot to receive any remaining scholarships. 1193

(C) A student who receives an Educational Choice 1194
Scholarship under this section remains an eligible student and 1195
may continue to receive a scholarship in subsequent school years 1196
until the student completes grade twelve, so long as the student 1197
satisfies the conditions specified in divisions (D) (1) to (3) of 1198
section 3310.03 of the Revised Code. 1199

Section 5. That existing Section 5 of S.B. 89 of the 133rd 1200
General Assembly is hereby repealed. 1201

Section 6. That Sections 4, 5, and 6 of H.B. 70 of the 1202
131st General Assembly are hereby repealed. 1203

Section 7. The General Assembly, applying the principle 1204
stated in division (B) of section 1.52 of the Revised Code that 1205
amendments are to be harmonized if reasonably capable of 1206
simultaneous operation, finds that the following sections, 1207
presented in this act as composites of the sections as amended 1208
by the acts indicated, are the resulting versions of the 1209
sections in effect prior to the effective date of the sections 1210
as presented in this act: 1211

Section 3302.036 of the Revised Code as amended by H.B. 64 1212
and H.B. 70 of the 131st General Assembly. 1213

Section 3310.03 of the Revised Code as amended by H.B. 436 1214
and S.B. 89 of the 133rd General Assembly. 1215