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133rd General Assembly

Regular Session

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Sub. H. B. No. 154

Representatives Miller, J., Jones

Cosponsors: Representatives Lepore-Hagan, Oelslager, Brent, Hambley, Kent, Manning, D., Miranda, Kelly, Crossman, Lightbody, Edwards, Sobecki, Russo, Sheehy, Ingram, Weinstein, Holmes, G., West, Strahorn, O'Brien, Liston, Skindell, Seitz, Leland, Boyd, Upchurch, Sweeney, Clites, Brown, Baldrige, Blessing, Crawley, Denson, DeVitis, Galonski, Greenspan, Hicks-Hudson, Hillyer, Holmes, A., Hoops, Howse, Patterson, Robinson, Roemer, Rogers, Smith, K.

A BILL

To amend sections 133.06, 3302.036, 3302.042, 1
3302.16, 3302.17, 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
repeal Sections 4, 5, and 6 of Am. Sub. H.B. 70 6
of the 131st General Assembly to dissolve 7
academic distress commissions and to instead 8
require improvement plans for certain low- 9
performing school buildings. 10

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

Section 1. That sections 133.06, 3302.036, 3302.042, 11
3302.16, 3302.17, 3310.03, 3311.29, and 3314.102 be amended and 12
new section 3302.10 of the Revised Code be enacted to read as 13
follows: 14

Sec. 133.06. (A) A school district shall not incur, 15

without a vote of the electors, net indebtedness that exceeds an amount equal to one-tenth of one per cent of its tax valuation, except as provided in divisions (G) and (H) of this section and in division (D) of section 3313.372 of the Revised Code, or as prescribed in section 3318.052 or 3318.44 of the Revised Code, or as provided in division (J) of this section.

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

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

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

If the electors do not approve the issuance of securities at the election for which the superintendent of public instruction and tax commissioner consented to the submission of the question, the school district may submit the same question to the electors on the date that the next special election may

be held under section 3501.01 of the Revised Code without 46
submitting a new request for consent. If the school district 47
seeks to submit the same question at any other subsequent 48
election, the district shall first submit a new request for 49
consent in accordance with this division. 50

(D) In calculating the net indebtedness of a school 51
district, none of the following shall be considered: 52

(1) Securities issued to acquire school buses and other 53
equipment used in transporting pupils or issued pursuant to 54
division (D) of section 133.10 of the Revised Code; 55

(2) Securities issued under division (F) of this section, 56
under section 133.301 of the Revised Code, and, to the extent in 57
excess of the limitation stated in division (B) of this section, 58
under division (E) of this section; 59

(3) Indebtedness resulting from the dissolution of a joint 60
vocational school district under section 3311.217 of the Revised 61
Code, evidenced by outstanding securities of that joint 62
vocational school district; 63

(4) Loans, evidenced by any securities, received under 64
sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code; 65

(5) Debt incurred under section 3313.374 of the Revised 66
Code; 67

(6) Debt incurred pursuant to division (B) (5) of section 68
3313.37 of the Revised Code to acquire computers and related 69
hardware; 70

(7) Debt incurred under section 3318.042 of the Revised 71
Code; 72

(8) Debt incurred under section 5705.2112 or 5705.2113 of 73

the Revised Code by the fiscal board of a qualifying partnership 74
of which the school district is a participating school district. 75

(E) A school district may become a special needs district 76
as to certain securities as provided in division (E) of this 77
section. 78

(1) A board of education, by resolution, may declare its 79
school district to be a special needs district by determining 80
both of the following: 81

(a) The student population is not being adequately 82
serviced by the existing permanent improvements of the district. 83

(b) The district cannot obtain sufficient funds by the 84
issuance of securities within the limitation of division (B) of 85
this section to provide additional or improved needed permanent 86
improvements in time to meet the needs. 87

(2) The board of education shall certify a copy of that 88
resolution to the superintendent of public instruction with a 89
statistical report showing all of the following: 90

(a) The history of and a projection of the growth of the 91
tax valuation; 92

(b) The projected needs; 93

(c) The estimated cost of permanent improvements proposed 94
to meet such projected needs. 95

(3) The superintendent of public instruction shall certify 96
the district as an approved special needs district if the 97
superintendent finds both of the following: 98

(a) The district does not have available sufficient 99
additional funds from state or federal sources to meet the 100

projected needs.	101
(b) The projection of the potential average growth of tax valuation during the next five years, according to the information certified to the superintendent and any other information the superintendent obtains, indicates a likelihood of potential average growth of tax valuation of the district during the next five years of an average of not less than one and one-half per cent per year. The findings and certification of the superintendent shall be conclusive.	102 103 104 105 106 107 108 109
(4) An approved special needs district may incur net indebtedness by the issuance of securities in accordance with the provisions of this chapter in an amount that does not exceed an amount equal to the greater of the following:	110 111 112 113
(a) Twelve per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by the percentage by which the tax valuation has increased over the tax valuation on the first day of the sixtieth month preceding the month in which its board determines to submit to the electors the question of issuing the proposed securities;	114 115 116 117 118 119
(b) Twelve per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by the percentage, determined by the superintendent of public instruction, by which that tax valuation is projected to increase during the next ten years.	120 121 122 123 124
(F) A school district may issue securities for emergency purposes, in a principal amount that does not exceed an amount equal to three per cent of its tax valuation, as provided in this division.	125 126 127 128
(1) A board of education, by resolution, may declare an	129

emergency if it determines both of the following:	130
(a) School buildings or other necessary school facilities	131
in the district have been wholly or partially destroyed, or	132
condemned by a constituted public authority, or that such	133
buildings or facilities are partially constructed, or so	134
constructed or planned as to require additions and improvements	135
to them before the buildings or facilities are usable for their	136
intended purpose, or that corrections to permanent improvements	137
are necessary to remove or prevent health or safety hazards.	138
(b) Existing fiscal and net indebtedness limitations make	139
adequate replacement, additions, or improvements impossible.	140
(2) Upon the declaration of an emergency, the board of	141
education may, by resolution, submit to the electors of the	142
district pursuant to section 133.18 of the Revised Code the	143
question of issuing securities for the purpose of paying the	144
cost, in excess of any insurance or condemnation proceeds	145
received by the district, of permanent improvements to respond	146
to the emergency need.	147
(3) The procedures for the election shall be as provided	148
in section 133.18 of the Revised Code, except that:	149
(a) The form of the ballot shall describe the emergency	150
existing, refer to this division as the authority under which	151
the emergency is declared, and state that the amount of the	152
proposed securities exceeds the limitations prescribed by	153
division (B) of this section;	154
(b) The resolution required by division (B) of section	155
133.18 of the Revised Code shall be certified to the county	156
auditor and the board of elections at least one hundred days	157
prior to the election;	158

(c) The county auditor shall advise and, not later than 159
ninety-five days before the election, confirm that advice by 160
certification to, the board of education of the information 161
required by division (C) of section 133.18 of the Revised Code; 162

(d) The board of education shall then certify its 163
resolution and the information required by division (D) of 164
section 133.18 of the Revised Code to the board of elections not 165
less than ninety days prior to the election. 166

(4) Notwithstanding division (B) of section 133.21 of the 167
Revised Code, the first principal payment of securities issued 168
under this division may be set at any date not later than sixty 169
months after the earliest possible principal payment otherwise 170
provided for in that division. 171

(G) (1) The board of education may contract with an 172
architect, professional engineer, or other person experienced in 173
the design and implementation of energy conservation measures 174
for an analysis and recommendations pertaining to installations, 175
modifications of installations, or remodeling that would 176
significantly reduce energy consumption in buildings owned by 177
the district. The report shall include estimates of all costs of 178
such installations, modifications, or remodeling, including 179
costs of design, engineering, installation, maintenance, 180
repairs, measurement and verification of energy savings, and 181
debt service, forgone residual value of materials or equipment 182
replaced by the energy conservation measure, as defined by the 183
Ohio facilities construction commission, a baseline analysis of 184
actual energy consumption data for the preceding three years 185
with the utility baseline based on only the actual energy 186
consumption data for the preceding twelve months, and estimates 187
of the amounts by which energy consumption and resultant 188

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

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

The facilities construction commission, in consultation 200
with the auditor of state, may deny a request under division (G) 201
(1) of this section by the board of education of any school 202
district that is in a state of fiscal watch pursuant to division 203
(A) of section 3316.03 of the Revised Code, if it determines 204
that the expenditure of funds is not in the best interest of the 205
school district. 206

No district board of education of a school district that 207
is in a state of fiscal emergency pursuant to division (B) of 208
section 3316.03 of the Revised Code shall submit a request 209
without submitting evidence that the installations, 210
modifications, or remodeling have been approved by the 211
district's financial planning and supervision commission 212
established under section 3316.05 of the Revised Code. 213

~~No board of education of a school district for which an 214
academic distress commission has been established under section 215
3302.10 of the Revised Code shall submit a request without first 216
receiving approval to incur indebtedness from the district's 217
academic distress commission established under that section, for 218~~

~~so long as such commission continues to be required for the~~ 219
~~district.~~ 220

(2) The board of education may contract with a person 221
experienced in the implementation of student transportation to 222
produce a report that includes an analysis of and 223
recommendations for the use of alternative fuel vehicles by 224
school districts. The report shall include cost estimates 225
detailing the return on investment over the life of the 226
alternative fuel vehicles and environmental impact of 227
alternative fuel vehicles. The report also shall include 228
estimates of all costs associated with alternative fuel 229
transportation, including facility modifications and vehicle 230
purchase costs or conversion costs. 231

If the board finds after receiving the report that the 232
amount of money the district would spend on purchasing 233
alternative fuel vehicles or vehicle conversion is not likely to 234
exceed the amount of money it would save in fuel and resultant 235
operational and maintenance costs over the ensuing five years, 236
the board may submit to the commission a copy of its findings 237
and a request for approval to incur indebtedness to finance the 238
purchase of new alternative fuel vehicles or vehicle conversions 239
for the purpose of reducing fuel costs. 240

The facilities construction commission, in consultation 241
with the auditor of state, may deny a request under division (G) 242
(2) of this section by the board of education of any school 243
district that is in a state of fiscal watch pursuant to division 244
(A) of section 3316.03 of the Revised Code, if it determines 245
that the expenditure of funds is not in the best interest of the 246
school district. 247

No district board of education of a school district that 248

is in a state of fiscal emergency pursuant to division (B) of 249
section 3316.03 of the Revised Code shall submit a request 250
without submitting evidence that the purchase or conversion of 251
alternative fuel vehicles has been approved by the district's 252
financial planning and supervision commission established under 253
section 3316.05 of the Revised Code. 254

~~No board of education of a school district for which an 255
academic distress commission has been established under section 256
3302.10 of the Revised Code shall submit a request without first 257
receiving approval to incur indebtedness from the district's 258
academic distress commission established under that section, for 259
so long as such commission continues to be required for the 260
district. 261~~

(3) The facilities construction commission shall approve 262
the board's request provided that the following conditions are 263
satisfied: 264

(a) The commission determines that the board's findings 265
are reasonable. 266

(b) The request for approval is complete. 267

(c) If the request was submitted under division (G)(1) of 268
this section, the installations, modifications, or remodeling 269
are consistent with any project to construct or acquire 270
classroom facilities, or to reconstruct or make additions to 271
existing classroom facilities under sections 3318.01 to 3318.20 272
or sections 3318.40 to 3318.45 of the Revised Code. 273

Upon receipt of the commission's approval, the district 274
may issue securities without a vote of the electors in a 275
principal amount not to exceed nine-tenths of one per cent of 276
its tax valuation for the purpose specified in division (G)(1) 277

or (2) of this section, but the total net indebtedness of the 278
district without a vote of the electors incurred under this and 279
all other sections of the Revised Code, except section 3318.052 280
of the Revised Code, shall not exceed one per cent of the 281
district's tax valuation. 282

(4) (a) So long as any securities issued under division (G) 283
(1) of this section remain outstanding, the board of education 284
shall monitor the energy consumption and resultant operational 285
and maintenance costs of buildings in which installations or 286
modifications have been made or remodeling has been done 287
pursuant to that division. Except as provided in division (G) (4) 288
(b) of this section, the board shall maintain and annually 289
update a report in a form and manner prescribed by the 290
facilities construction commission documenting the reductions in 291
energy consumption and resultant operational and maintenance 292
cost savings attributable to such installations, modifications, 293
or remodeling. The resultant operational and maintenance cost 294
savings shall be certified by the school district treasurer. The 295
report shall be submitted annually to the commission. 296

(b) If the facilities construction commission verifies 297
that the certified annual reports submitted to the commission by 298
a board of education under division (G) (4) (a) of this section 299
fulfill the guarantee required under division (B) of section 300
3313.372 of the Revised Code for three consecutive years, the 301
board of education shall no longer be subject to the annual 302
reporting requirements of division (G) (4) (a) of this section. 303

(5) So long as any securities issued under division (G) (2) 304
of this section remain outstanding, the board of education shall 305
monitor the purchase of new alternative fuel vehicles or vehicle 306
conversions pursuant to that division. The board shall maintain 307

and annually update a report in a form and manner prescribed by 308
the facilities construction commission documenting the purchase 309
of new alternative fuel vehicles or vehicle conversions, the 310
associated environmental impact, and return on investment. The 311
resultant fuel and operational and maintenance cost savings 312
shall be certified by the school district treasurer. The report 313
shall be submitted annually to the commission. 314

(H) With the consent of the superintendent of public 315
instruction, a school district may incur without a vote of the 316
electors net indebtedness that exceeds the amounts stated in 317
divisions (A) and (G) of this section for the purpose of paying 318
costs of permanent improvements, if and to the extent that both 319
of the following conditions are satisfied: 320

(1) The fiscal officer of the school district estimates 321
that receipts of the school district from payments made under or 322
pursuant to agreements entered into pursuant to section 725.02, 323
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 324
5709.45, 5709.57, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, 325
or 5709.82 of the Revised Code, or distributions under division 326
(C) of section 5709.43 or division (B) of section 5709.47 of the 327
Revised Code, or any combination thereof, are, after accounting 328
for any appropriate coverage requirements, sufficient in time 329
and amount, and are committed by the proceedings, to pay the 330
debt charges on the securities issued to evidence that 331
indebtedness and payable from those receipts, and the taxing 332
authority of the district confirms the fiscal officer's 333
estimate, which confirmation is approved by the superintendent 334
of public instruction; 335

(2) The fiscal officer of the school district certifies, 336
and the taxing authority of the district confirms, that the 337

district, at the time of the certification and confirmation, 338
reasonably expects to have sufficient revenue available for the 339
purpose of operating such permanent improvements for their 340
intended purpose upon acquisition or completion thereof, and the 341
superintendent of public instruction approves the taxing 342
authority's confirmation. 343

The maximum maturity of securities issued under division 344
(H) of this section shall be the lesser of twenty years or the 345
maximum maturity calculated under section 133.20 of the Revised 346
Code. 347

(I) A school district may incur net indebtedness by the 348
issuance of securities in accordance with the provisions of this 349
chapter in excess of the limit specified in division (B) or (C) 350
of this section when necessary to raise the school district 351
portion of the basic project cost and any additional funds 352
necessary to participate in a project under Chapter 3318. of the 353
Revised Code, including the cost of items designated by the 354
facilities construction commission as required locally funded 355
initiatives, the cost of other locally funded initiatives in an 356
amount that does not exceed fifty per cent of the district's 357
portion of the basic project cost, and the cost for site 358
acquisition. The commission shall notify the superintendent of 359
public instruction whenever a school district will exceed either 360
limit pursuant to this division. 361

(J) A school district whose portion of the basic project 362
cost of its classroom facilities project under sections 3318.01 363
to 3318.20 of the Revised Code is greater than or equal to one 364
hundred million dollars may incur without a vote of the electors 365
net indebtedness in an amount up to two per cent of its tax 366
valuation through the issuance of general obligation securities 367

in order to generate all or part of the amount of its portion of 368
the basic project cost if the controlling board has approved the 369
facilities construction commission's conditional approval of the 370
project under section 3318.04 of the Revised Code. The school 371
district board and the Ohio facilities construction commission 372
shall include the dedication of the proceeds of such securities 373
in the agreement entered into under section 3318.08 of the 374
Revised Code. No state moneys shall be released for a project to 375
which this section applies until the proceeds of any bonds 376
issued under this section that are dedicated for the payment of 377
the school district portion of the project are first deposited 378
into the school district's project construction fund. 379

Sec. 3302.036. (A) Notwithstanding anything in the Revised 380
Code to the contrary, the department of education shall not 381
assign an overall letter grade under division (C)(3) of section 382
3302.03 of the Revised Code for any school district or building 383
for the 2014-2015, 2015-2016, ~~or~~ and 2016-2017 school years, 384
may, at the discretion of the state board of education, not 385
assign an individual grade to any component prescribed under 386
division (C)(3) of section 3302.03 of the Revised Code, and 387
shall not rank school districts, community schools established 388
under Chapter 3314. of the Revised Code, or STEM schools 389
established under Chapter 3326. of the Revised Code under 390
section 3302.21 of the Revised Code for those school years. The 391
report card ratings issued for the 2014-2015, 2015-2016, ~~or~~ and 392
2016-2017 school years shall not be considered in determining 393
whether a school district or a school is subject to sanctions or 394
penalties. However, the report card ratings of any previous or 395
subsequent years shall be considered in determining whether a 396
school district or building is subject to sanctions or 397
penalties. Accordingly, the report card ratings for the 2014- 398

2015, 2015-2016, ~~or~~ and 2016-2017 school years shall have no 399
effect in determining sanctions or penalties, but shall not 400
create a new starting point for determinations that are based on 401
ratings over multiple years. 402

(B) The provisions from which a district or school is 403
exempt under division (A) of this section shall be the 404
following: 405

(1) Any restructuring provisions established under this 406
chapter, except as required under the "No Child Left Behind Act 407
of 2001"; 408

(2) Provisions for the Columbus city school pilot project 409
under section 3302.042 of the Revised Code; 410

~~(3) Provisions for academic distress commissions under 411
former section 3302.10 of the Revised Code as it existed prior 412
to the effective date of this amendment. The provisions of this 413
section do not apply to academic distress commissions under the 414
version of that section as it exists on or after the effective 415
date of this amendment. 416~~

~~(4) Provisions prescribing new buildings where students 417
are eligible for the educational choice scholarships under 418
section 3310.03 of the Revised Code; 419~~

~~(5) (4) Provisions defining "challenged school districts" 420
in which new start-up community schools may be located, as 421
prescribed in section 3314.02 of the Revised Code; 422~~

~~(6) (5) Provisions prescribing community school closure 423
requirements under section 3314.35 or 3314.351 of the Revised 424
Code. 425~~

(C) Notwithstanding anything in the Revised Code to the 426

contrary and except as provided in Section 3 of H.B. 7 of the 427
131st general assembly, no school district, community school, or 428
STEM school shall utilize at any time during a student's 429
academic career a student's score on any assessment administered 430
under division (A) of section 3301.0710 or division (B) (2) of 431
section 3301.0712 of the Revised Code in the 2014-2015, 2015- 432
2016, ~~or and~~ 2016-2017 school ~~year~~ years as a factor in any 433
decision to promote or to deny the student promotion to a higher 434
grade level or in any decision to grant course credit. No 435
individual student score reports on such assessments 436
administered in the 2014-2015, 2015-2016, or 2016-2017 school 437
years shall be released, except to a student's school district 438
or school or to the student or the student's parent or guardian. 439

Sec. 3302.042. (A) This section shall operate as a pilot 440
project that applies to any school that has been ranked 441
according to performance index score under section 3302.21 of 442
the Revised Code in the lowest five per cent of all public 443
school buildings statewide for three or more consecutive school 444
years and is operated by the Columbus city school district. The 445
pilot project shall commence once the department of education 446
establishes implementation guidelines for the pilot project in 447
consultation with the Columbus city school district. 448

(B) Except as provided in division (D), (E), or (F) of 449
this section, if the parents or guardians of at least fifty per 450
cent of the students enrolled in a school to which this section 451
applies, or if the parents or guardians of at least fifty per 452
cent of the total number of students enrolled in that school and 453
the schools of lower grade levels whose students typically 454
matriculate into that school, by the thirty-first day of 455
December of any school year in which the school is subject to 456
this section, sign and file with the school district treasurer a 457

petition requesting the district board of education to implement 458
one of the following reforms in the school, and if the validity 459
and sufficiency of the petition is certified in accordance with 460
division (C) of this section, the board shall implement the 461
requested reform in the next school year: 462

(1) Reopen the school as a community school under Chapter 463
3314. of the Revised Code; 464

(2) Replace at least seventy per cent of the school's 465
personnel who are related to the school's poor academic 466
performance or, at the request of the petitioners, retain not 467
more than thirty per cent of the personnel; 468

(3) Contract with another school district or a nonprofit 469
or for-profit entity with a demonstrated record of effectiveness 470
to operate the school; 471

(4) Turn operation of the school over to the department; 472

(5) Any other major restructuring of the school that makes 473
fundamental reforms in the school's staffing or governance. 474

(C) Not later than thirty days after receipt of a petition 475
under division (B) of this section, the district treasurer shall 476
verify the validity and sufficiency of the signatures on the 477
petition and certify to the district board whether the petition 478
contains the necessary number of valid signatures to require the 479
board to implement the reform requested by the petitioners. If 480
the treasurer certifies to the district board that the petition 481
does not contain the necessary number of valid signatures, any 482
person who signed the petition may file an appeal with the 483
county auditor within ten days after the certification. Not 484
later than thirty days after the filing of an appeal, the county 485
auditor shall conduct an independent verification of the 486

validity and sufficiency of the signatures on the petition and 487
certify to the district board whether the petition contains the 488
necessary number of valid signatures to require the board to 489
implement the requested reform. If the treasurer or county 490
auditor certifies that the petition contains the necessary 491
number of valid signatures, the district board shall notify the 492
superintendent of public instruction and the state board of 493
education of the certification. 494

(D) The district board shall not implement the reform 495
requested by the petitioners in any of the following 496
circumstances: 497

(1) The district board has determined that the request is 498
for reasons other than improving student academic achievement or 499
student safety. 500

(2) The state superintendent has determined that 501
implementation of the requested reform would not comply with the 502
model of differentiated accountability described in section 503
3302.041 of the Revised Code. 504

(3) The petitioners have requested the district board to 505
implement the reform described in division (B)(4) of this 506
section and the department has not agreed to take over the 507
school's operation. 508

(4) When all of the following have occurred: 509

(a) After a public hearing on the matter, the district 510
board issued a written statement explaining the reasons that it 511
is unable to implement the requested reform and agreeing to 512
implement one of the other reforms described in division (B) of 513
this section. 514

(b) The district board submitted its written statement to 515

the state superintendent and the state board along with evidence 516
showing how the alternative reform the district board has agreed 517
to implement will enable the school to improve its academic 518
performance. 519

(c) Both the state superintendent and the state board have 520
approved implementation of the alternative reform. 521

(E) If the provisions of this section conflict in any way 522
with the requirements of federal law, federal law shall prevail 523
over the provisions of this section. 524

(F) If a school is restructured under this section~~7~~ 525
~~section 3302.10 or 3302.12 of the Revised Code,~~ or federal law, 526
the school shall not be required to restructure again under 527
state law for three consecutive years after the implementation 528
of that prior restructuring. 529

(G) Beginning not later than six months after the first 530
petition under this section has been resolved, the department of 531
education shall annually evaluate the pilot program and submit a 532
report to the general assembly under section 101.68 of the 533
Revised Code. Such reports shall contain its recommendations to 534
the general assembly with respect to the continuation of the 535
pilot program, its expansion to other school districts, or the 536
enactment of further legislation establishing the program 537
statewide under permanent law. 538

Sec. 3302.10. (A) Any academic distress commission 539
organized for a school district under former section 3302.10 of 540
the Revised Code, as it existed prior to the effective date of 541
this section, is hereby dissolved. The board of education of 542
each district wherein an academic distress commission previously 543
had been established shall reassume all of the powers granted to 544

it under the Revised Code. 545

(B) (1) Beginning July 1, 2019, this section shall apply to 546
each building operated by a school district for which an 547
academic distress commission had been established under former 548
section 3302.10 of the Revised Code, as it existed prior to the 549
effective date of this section, and which building also received 550
an overall grade of "F" under division (C) (3) of section 3302.03 551
of the Revised Code for the previous school year. Each building 552
to which this division applies shall commence the procedure 553
prescribed by division (C) (1) of this section. 554

(2) Beginning July 1, 2020, this section shall apply to 555
any school building operated by a city, local, or exempted 556
village school district which is not subject to division (B) (1) 557
of this section and which building receives an overall grade of 558
"F" under division (C) (3) of section 3302.03 of the Revised Code 559
for the previous school year. Each building to which this 560
division applies shall commence the procedure prescribed by 561
division (C) (1) of this section. 562

(C) (1) For each school building, in the first year, to 563
which this section applies, the superintendent of public 564
instruction shall designate the building as "in need of 565
improvement," and the district board shall establish a school 566
improvement team for the building. Each team shall be comprised 567
of administrators and teachers, and may include community 568
stakeholders, with oversight from the district board. 569

The improvement team shall do the following: 570

(a) Conduct a performance audit that reviews the needs of 571
students, parents, teachers, and administrators of the school 572
building. As part of the performance audit, the improvement team 573

shall convene a group of parents and community stakeholders from 574
within the attendance zone of the building and seek input on 575
student needs and school improvement strategies. 576

(b) Develop a school improvement plan based on a multi- 577
tiered, evidence-based model. The plan may include measurable 578
benchmarks for improvement in the following areas: 579

(i) Parent and family engagement; 580

(ii) Creating a culture of academic success among 581
students; 582

(iii) Building a culture of student support among school 583
faculty and staff; 584

(iv) Student attendance; 585

(v) Dismissal and exclusion rates; 586

(vi) Student safety and discipline; 587

(vii) Student promotion and dropout rates; 588

(viii) Graduation rates. 589

(c) Submit the improvement plan to the district board for 590
approval not later than the final day of the school year in 591
which the process described in division (C) (1) of this section 592
began. The district board and the district superintendent shall 593
review the plan and may change elements of the plan in 594
consultation with the improvement team. Prior to approving the 595
plan, the district board shall seek community feedback in one or 596
more public hearings. 597

(d) An improvement team may request technical support from 598
the department of education during development of the plan. 599

(e) An improvement team may recommend that the district 600

board voluntarily initiate a community learning center model 601
process for the building, as described in section 3302.17 of the 602
Revised Code. 603

(2) If a school building receives an overall grade of "F" 604
under division (C) (3) of section 3302.03 of the Revised Code for 605
a second consecutive year, the building shall retain "in need of 606
improvement status," and the district board and the improvement 607
team shall begin implementing the improvement plan developed 608
under division (C) (1) of this section. The improvement team 609
shall monitor progress on the implementation of the improvement 610
plan, with oversight from the district board. The improvement 611
team may hire an academic coordinator or request technical 612
support from the department during implementation of the plan. 613

(3) If a school building receives an overall grade of "F" 614
under division (C) (3) of section 3302.03 of the Revised Code for 615
a third consecutive year, the building shall retain "in need of 616
improvement status," and the improvement team shall continue 617
implementing the improvement plan, with oversight from the 618
district board. The department of education may perform a mid- 619
year and end-of-year review of the measurable benchmarks in the 620
improvement plan and provide feedback to the improvement team, 621
district board, and district superintendent. 622

(4) (a) If a school building receives an overall grade of 623
"F" under division (C) (3) of section 3302.03 of the Revised Code 624
for a fourth consecutive year, the building shall retain "in 625
need of improvement status," and the improvement team shall 626
continue implementing the improvement plan, with oversight from 627
the district board. The state superintendent shall review the 628
progress made under the school improvement plan and determine if 629
the building may move out of "in need of improvement status." 630

(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 improvement plan in accordance with the criteria developed under division (C) (5) of this section. 631-635

(5) The state board of education shall adopt rules establishing criteria for the state superintendent to consider when determining whether a building may move out of "in need of improvement status." 636-639

(D) (1) Beginning July 1, 2019, the state superintendent, in conjunction with the state board, shall convene a meeting of stakeholders to determine the best method to support school buildings that fail to meet improvement benchmarks under the improvement plan developed under division (C) (1) of this section and prepare a report of the recommendations. 640-645

(2) The state superintendent shall submit this report to the standing committees of the house of representatives and senate that consider education legislation not later than January 1, 2020. 646-649

Sec. 3302.16. (A) (1) As used in sections 3302.10, 3302.17, and 3302.18 of the Revised Code, "community learning center" means a school operated by a city, exempted village, or local school district or community school established under Chapter 3314. of the Revised Code that participates in a coordinated, community-based effort with community partners to provide comprehensive educational, developmental, family, and health services to students, families, and community members during school hours and hours in which school is not in session. 650-658

(2) For purposes of this section and sections 3302.10, 659

3302.17~~2~~ and 3302.18 of the Revised Code, "community partner" 660
means a provider to students, families, or community members of 661
health care services, on-site resource coordinators, and any 662
other services or programs determined appropriate by a school 663
action team created under section 3302.18 of the Revised Code. 664

(B) Prior to providing health services to a student, a 665
community learning center shall obtain the written consent of 666
the student's parent, guardian, or custodian, if the student is 667
less than eighteen years old, or the written consent of the 668
student, if the student is at least eighteen years old. 669

(C) A community learning center and any employee, 670
contractor, or volunteer of a community learning center shall, 671
in accordance with all applicable state and federal laws, 672
maintain the confidentiality of patient-identifying information 673
obtained in the course of providing health services. 674

Sec. 3302.17. (A) Any school building operated by a city, 675
exempted village, or local school district, or a community 676
school established under Chapter 3314. of the Revised Code is 677
eligible to initiate the community learning center process as 678
prescribed by this section. 679

(B) ~~Beginning with the 2015-2016 school year, each~~ Each 680
district board of education or community school governing 681
authority may initiate a community learning center process for 682
any school building ~~to which this section applies~~ in the manner 683
prescribed by this division. 684

First, the board or governing authority shall conduct a 685
public information hearing at each school building to which this 686
section applies to inform the community of the community 687
learning center process. The board or governing authority may do 688

all of the following with regard to the public information	689
hearing:	690
(1) Announce the meeting not less than forty-five days in	691
advance at the school and on the school's or district's web	692
sites and using tools to ensure effective communication with	693
individuals with disabilities;	694
(2) Schedule the meeting for an evening or weekend time;	695
(3) Provide interpretation services and written materials	696
in all languages spoken by five per cent or more of the students	697
enrolled in the school;	698
(4) Provide child care services for parents attending the	699
meeting;	700
(5) Provide parents, students, teachers, nonteaching	701
employees, and community members with the opportunity to speak	702
at the meeting;	703
(6) Comply with section 149.43 of the Revised Code.	704
In preparing for the public information hearing, the board	705
or governing authority shall ensure that information about the	706
hearing is broadly distributed throughout the community.	707
The board or governing authority may enter into an	708
agreement with any civic engagement organizations, community	709
organizations, or employee organizations to support the	710
implementation of the community learning center process.	711
The board or governing authority shall conduct a follow-up	712
hearing at least once annually until action is further taken	713
under the section with respect to the school building or until	714
the conditions described in division (A) of this section no	715
longer apply to the school building.	716

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

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

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

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

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

process. 747

(E) If a community learning center process is initiated 748
under this section, the board or governing authority shall 749
create a school action team under section 3302.18 of the Revised 750
Code. Within four months upon selection, the school action team 751
shall conduct and complete, in consultation with community 752
partners, a performance audit of the school and review, with 753
parental input, the needs of the school with regard to 754
restructuring under section ~~3302.10, 3302.12, or~~ 3302.042 of the 755
Revised Code, or federal law. 756

The school action team shall provide quarterly updates of 757
its work in a public hearing that complies with the same 758
specifications prescribed in division (B) of this section. 759

(F) Upon completion of the audit and review, the school 760
action team shall present its findings at a public hearing that 761
complies with the same specifications prescribed in division (B) 762
of this section. After the school action team presents its 763
findings at the public hearing, it shall create a community 764
learning center improvement plan that designates appropriate 765
interventions, which may be based on the recommendations 766
developed by the department under division (H)(1)(b) of this 767
section. 768

If there is a federally mandated school improvement 769
planning process, the team shall coordinate its work with that 770
plan. 771

The school action team shall approve the plan by a 772
majority vote. 773

(G) Upon approval of the plan by the school action team, 774
the team shall submit the community learning center improvement 775

plan to the same individuals described in division (C) of this 776
section. Ballots shall be distributed and an election shall be 777
conducted in the same manner as indicated under that division. 778

The school action team shall submit the plan to the 779
district board of education or community school governing 780
authority, if the results of the election under division (G) of 781
this section are as follows: 782

(1) At least thirty per cent of parents and guardians of 783
students enrolled in the eligible school building and students 784
enrolled in a different building operated by a joint vocational 785
school district but who are entitled to attend the school cast 786
ballots by a date set by the board or governing authority, and 787
of those ballots at least fifty per cent are in favor of 788
initiating the process; and 789

(2) At least thirty per cent of teachers and nonteaching 790
employees who are assigned to the school cast ballots by a date 791
set by the board or governing authority, and of those ballots at 792
least fifty per cent are in favor of initiating the process. 793

The board or governing authority shall evaluate the plan 794
and determine whether to adopt it. The board or governing 795
authority shall adopt the plan in full or adopt portions of the 796
plan. If the board or governing authority does not adopt the 797
plan in full, it shall provide a written explanation of why 798
portions of the plan were rejected. 799

(H) (1) The department shall do all of the following with 800
respect to this section: 801

(a) Adopt rules regarding the elections required under 802
this section; 803

(b) Develop appropriate interventions for a community 804

learning center improvement plan that may be used by a school 805
action team under division (F) of this section; 806

(c) Publish a menu of programs and services that may be 807
offered by community learning centers. The information shall be 808
posted on the department's web site. To compile this information 809
the department shall solicit input from resource coordinators of 810
existing community learning centers~~+~~. 811

(d) Provide information regarding implementation of 812
comprehensive community-based programs and supportive services 813
including the community learning center model to school 814
buildings meeting any of the following conditions: 815

(i) The building is in improvement status as defined by 816
the "No Child Left Behind Act of 2001" or under an agreement 817
between the Ohio department of education and the United States 818
secretary of education. 819

(ii) The building is a secondary school that is among the 820
lowest achieving fifteen per cent of secondary schools 821
statewide, as determined by the department. 822

(iii) The building is a secondary school with a graduation 823
rate of sixty per cent or lower for three or more consecutive 824
years. 825

(iv) The building is a school that the department 826
determines is persistently low-performing. 827

(2) The department may do the following with respect to 828
this section: 829

(a) Provide assistance, facilitation, and training to 830
school action teams in the conducting of the audit required 831
under this section; 832

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

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

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

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

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

July of the school year for which a scholarship is sought: 863

(a) The building was declared to be in a state of academic 864
emergency or academic watch under section 3302.03 of the Revised 865
Code as that section existed prior to March 22, 2013. 866

(b) The building received a grade of "D" or "F" for the 867
performance index score under division (A) (1) (b) or (B) (1) (b) of 868
section 3302.03 of the Revised Code and for the value-added 869
progress dimension under division (A) (1) (e) or (B) (1) (e) of 870
section 3302.03 of the Revised Code for the 2012-2013, 2013- 871
2014, 2014-2015, or 2015-2016 school year; or if the building 872
serves only grades ten through twelve, the building received a 873
grade of "D" or "F" for the performance index score under 874
division (A) (1) (b) or (B) (1) (b) of section 3302.03 of the 875
Revised Code and had a four-year adjusted cohort graduation rate 876
of less than seventy-five per cent. 877

(c) The building received an overall grade of "D" or "F" 878
under division (C) (3) of section 3302.03 of the Revised Code or 879
a grade of "F" for the value-added progress dimension under 880
division (C) (1) (e) of section 3302.03 of the Revised Code for 881
the 2016-2017 school year or any school year thereafter. 882

(2) The student will be enrolling in any of grades 883
kindergarten through twelve in this state for the first time in 884
the school year for which a scholarship is sought, will be at 885
least five years of age by the first day of January of the 886
school year for which a scholarship is sought, and otherwise 887
would be assigned under section 3319.01 of the Revised Code in 888
the school year for which a scholarship is sought, to a school 889
building described in division (A) (1) of this section. 890

(3) The student is enrolled in a community school 891

established under Chapter 3314. of the Revised Code but 892
otherwise would be assigned under section 3319.01 of the Revised 893
Code to a building described in division (A)(1) of this section. 894

(4) The student is enrolled in a school building operated 895
by the student's resident district or in a community school 896
established under Chapter 3314. of the Revised Code and 897
otherwise would be assigned under section 3319.01 of the Revised 898
Code to a school building described in division (A)(1) of this 899
section in the school year for which the scholarship is sought. 900

(5) The student will be both enrolling in any of grades 901
kindergarten through twelve in this state for the first time and 902
at least five years of age by the first day of January of the 903
school year for which a scholarship is sought, or is enrolled in 904
a community school established under Chapter 3314. of the 905
Revised Code, and all of the following apply to the student's 906
resident district: 907

(a) The district has in force an intradistrict open 908
enrollment policy under which no student in the student's grade 909
level is automatically assigned to a particular school building; 910

(b) In the most recent rating published prior to the first 911
day of July of the school year for which scholarship is sought, 912
the district did not receive a rating described in division ~~(H)~~ 913
(I) of this section, and in at least two of the three most 914
recent report cards published prior to the first day of July of 915
that school year, any or a combination of the following apply to 916
the district: 917

(i) The district was declared to be in a state of academic 918
emergency under section 3302.03 of the Revised Code as it 919
existed prior to March 22, 2013. 920

(ii) The district received a grade of "D" or "F" for the performance index score under division (A) (1) (b) or (B) (1) (b) of section 3302.03 of the Revised Code and for the value-added progress dimension under division (A) (1) (e) or (B) (1) (e) of section 3302.03 of the Revised Code for the 2012-2013, 2013-2014, 2014-2015, or 2015-2016 school year.

(c) The district received an overall grade of "D" or "F" under division (C) (3) of section 3302.03 of the Revised Code or a grade of "F" for the value-added progress dimension under division (C) (1) (e) of section 3302.03 of the Revised Code for the 2016-2017 school year or any school year thereafter.

(6) Beginning in the 2016-2017 school year, the student is enrolled in or will be enrolling in a building in the school year for which the scholarship is sought that serves any of grades nine through twelve and that received a grade of "D" or "F" for the four-year adjusted cohort graduation rate under division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of section 3302.03 of the Revised Code in two of the three most recent report cards published prior to the first day of July of the school year for which a scholarship is sought.

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

(a) The building was ranked, for at least two of the three most recent rankings prior to the first day of July of the school year for which a scholarship is sought, in the lowest ten per cent of all buildings operated by city, local, and exempted village school districts according to performance index score as determined by the department of education.

(b) The building was not declared to be excellent or 950
effective, or the equivalent of such ratings as determined by 951
the department, under section 3302.03 of the Revised Code in the 952
most recent rating published prior to the first day of July of 953
the school year for which a scholarship is sought. 954

(2) The student will be enrolling in any of grades 955
kindergarten through twelve in this state for the first time in 956
the school year for which a scholarship is sought, will be at 957
least five years of age, as defined in section 3321.01 of the 958
Revised Code, by the first day of January of the school year for 959
which a scholarship is sought, and otherwise would be assigned 960
under section 3319.01 of the Revised Code in the school year for 961
which a scholarship is sought, to a school building described in 962
division (B) (1) of this section. 963

(3) The student is enrolled in a community school 964
established under Chapter 3314. of the Revised Code but 965
otherwise would be assigned under section 3319.01 of the Revised 966
Code to a building described in division (B) (1) of this section. 967

(4) The student is enrolled in a school building operated 968
by the student's resident district or in a community school 969
established under Chapter 3314. of the Revised Code and 970
otherwise would be assigned under section 3319.01 of the Revised 971
Code to a school building described in division (B) (1) of this 972
section in the school year for which the scholarship is sought. 973

(C) The student is enrolled in a nonpublic school at the 974
time the school is granted a charter by the state board of 975
education under section 3301.16 of the Revised Code and the 976
student meets the standards of division (B) of section 3310.031 977
of the Revised Code. 978

(D) For the 2016-2017 school year and each school year 979
thereafter, the student is in any of grades kindergarten through 980
three, is enrolled in a school building that is operated by the 981
student's resident district or will be enrolling in any of 982
grades kindergarten through twelve in this state for the first 983
time in the school year for which a scholarship is sought, and 984
to which both of the following apply: 985

(1) The building, in at least two of the three most recent 986
ratings of school buildings published prior to the first day of 987
July of the school year for which a scholarship is sought, 988
received a grade of "D" or "F" for making progress in improving 989
literacy in grades kindergarten through three under division (B) 990
(1) (g) or (C) (1) (g) of section 3302.03 of the Revised Code; 991

(2) The building did not receive a grade of "A" for making 992
progress in improving literacy in grades kindergarten through 993
three under division (B) (1) (g) or (C) (1) (g) of section 3302.03 994
of the Revised Code in the most recent rating published prior to 995
the first day of July of the school year for which a scholarship 996
is sought. 997

(E) The student's resident district ~~is~~ was subject to 998
former section 3302.10 of the Revised Code ~~and the student~~ 999
~~either:~~ 1000

~~(1) Is enrolled in a school building operated by the~~ 1001
~~resident district or in a community school established under~~ 1002
~~Chapter 3314. of the Revised Code;~~ 1003

~~(2) Will be both enrolling in any of grades kindergarten~~ 1004
~~through twelve in this state for the first time and at least~~ 1005
~~five years of age by the first day of January of the school year~~ 1006
~~for which a scholarship is sought~~ as it existed prior to the 1007

effective date of this amendment. 1008

(F) A student who receives a scholarship under the 1009
educational choice scholarship pilot program remains an eligible 1010
student and may continue to receive scholarships in subsequent 1011
school years until the student completes grade twelve, so long 1012
as all of the following apply: 1013

(1) The student's resident district remains the same, or 1014
the student transfers to a new resident district and otherwise 1015
would be assigned in the new resident district to a school 1016
building described in division (A) (1), (B) (1), (D), or (E) of 1017
this section. 1018

(2) Except as provided in divisions (K) (1) and (L) of 1019
section 3301.0711 of the Revised Code, the student takes each 1020
assessment prescribed for the student's grade level under 1021
section 3301.0710 or 3301.0712 of the Revised Code while 1022
enrolled in a chartered nonpublic school. 1023

(3) In each school year that the student is enrolled in a 1024
chartered nonpublic school, the student is absent from school 1025
for not more than twenty days that the school is open for 1026
instruction, not including excused absences. 1027

(G) (1) The department shall cease awarding first-time 1028
scholarships pursuant to divisions (A) (1) to (4) of this section 1029
with respect to a school building that, in the most recent 1030
ratings of school buildings published under section 3302.03 of 1031
the Revised Code prior to the first day of July of the school 1032
year, ceases to meet the criteria in division (A) (1) of this 1033
section. The department shall cease awarding first-time 1034
scholarships pursuant to division (A) (5) of this section with 1035
respect to a school district that, in the most recent ratings of 1036

school districts published 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) (5) of this section.

(2) The department shall cease awarding first-time scholarships pursuant to divisions (B) (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 (B) (1) of this section.

(3) The department shall cease awarding first-time scholarships pursuant to division (D) 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 (D) of this section.

(4) The department shall cease awarding first-time scholarships pursuant to division (E) of this section with respect to a school district subject to former section 3302.10 of the Revised Code as it existed prior to the effective date of this amendment when the academic distress commission established for the district ceases to exist.

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

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

(I) (1) A student who satisfies only the conditions prescribed in divisions (A) (1) to (4) of this section shall not

be eligible for a scholarship if the student's resident building 1066
meets any of the following in the most recent rating under 1067
section 3302.03 of the Revised Code published prior to the first 1068
day of July of the school year for which a scholarship is 1069
sought: 1070

(a) The building has an overall designation of excellent 1071
or effective under section 3302.03 of the Revised Code as it 1072
existed prior to March 22, 2013. 1073

(b) For the 2012-2013, 2013-2014, 2014-2015, or 2015-2016 1074
school year, the building has a grade of "A" or "B" for the 1075
performance index score under division (A) (1) (b) or (B) (1) (b) of 1076
section 3302.03 of the Revised Code and for the value-added 1077
progress dimension under division (A) (1) (e) or (B) (1) (e) of 1078
section 3302.03 of the Revised Code; or if the building serves 1079
only grades ten through twelve, the building received a grade of 1080
"A" or "B" for the performance index score under division (A) (1) 1081
(b) or (B) (1) (b) of section 3302.03 of the Revised Code and had 1082
a four-year adjusted cohort graduation rate of greater than or 1083
equal to seventy-five per cent. 1084

(c) For the 2016-2017 school year or any school year 1085
thereafter, the building has a grade of "A" or "B" under 1086
division (C) (3) of section 3302.03 of the Revised Code and a 1087
grade of "A" for the value-added progress dimension under 1088
division (C) (1) (e) of section 3302.03 of the Revised Code; or if 1089
the building serves only grades ten through twelve, the building 1090
received a grade of "A" or "B" for the performance index score 1091
under division (C) (1) (b) of section 3302.03 of the Revised Code 1092
and had a four-year adjusted cohort graduation rate of greater 1093
than or equal to seventy-five per cent. 1094

(2) A student who satisfies only the conditions prescribed 1095

in division (A) (5) of this section shall not be eligible for a 1096
scholarship if the student's resident district meets any of the 1097
following in the most recent rating under section 3302.03 of the 1098
Revised Code published prior to the first day of July of the 1099
school year for which a scholarship is sought: 1100

(a) The district has an overall designation of excellent 1101
or effective under section 3302.03 of the Revised Code as it 1102
existed prior to March 22, 2013. 1103

(b) The district has a grade of "A" or "B" for the 1104
performance index score under division (A) (1) (b) or (B) (1) (b) of 1105
section 3302.03 of the Revised Code and for the value-added 1106
progress dimension under division (A) (1) (e) or (B) (1) (e) of 1107
section 3302.03 of the Revised Code for the 2012-2013, 2013- 1108
2014, 2014-2015, and 2015-2016 school years. 1109

(c) The district has an overall grade of "A" or "B" under 1110
division (C) (3) of section 3302.03 of the Revised Code and a 1111
grade of "A" for the value-added progress dimension under 1112
division (C) (1) (e) of section 3302.03 of the Revised Code for 1113
the 2016-2017 school year or any school year thereafter. 1114

Sec. 3311.29. (A) Except as provided under division (B), 1115
(C), or (D) of this section, no school district shall be created 1116
and no school district shall exist which does not maintain 1117
within such district public schools consisting of grades 1118
kindergarten through twelve and any such existing school 1119
district not maintaining such schools shall be dissolved and its 1120
territory joined with another school district or districts by 1121
order of the state board of education if no agreement is made 1122
among the surrounding districts voluntarily, which order shall 1123
provide an equitable division of the funds, property, and 1124
indebtedness of the dissolved school district among the 1125

districts receiving its territory. The state board of education 1126
may authorize exceptions to school districts where topography, 1127
sparsity of population, and other factors make compliance 1128
impracticable. 1129

The superintendent of public instruction is without 1130
authority to distribute funds under Chapter 3317. of the Revised 1131
Code to any school district that does not maintain schools with 1132
grades kindergarten through twelve and to which no exception has 1133
been granted by the state board of education. 1134

(B) Division (A) of this section does not apply to any 1135
joint vocational school district or any cooperative education 1136
school district established pursuant to divisions (A) to (C) of 1137
section 3311.52 of the Revised Code. 1138

(C) (1) (a) Except as provided in division (C) (3) of this 1139
section, division (A) of this section does not apply to any 1140
cooperative education school district established pursuant to 1141
section 3311.521 of the Revised Code nor to the city, exempted 1142
village, or local school districts that have territory within 1143
such a cooperative education district. 1144

(b) The cooperative district and each city, exempted 1145
village, or local district with territory within the cooperative 1146
district shall maintain the grades that the resolution adopted 1147
or amended pursuant to section 3311.521 of the Revised Code 1148
specifies. 1149

(2) Any cooperative education school district described 1150
under division (C) (1) of this section that fails to maintain the 1151
grades it is specified to operate shall be dissolved by order of 1152
the state board of education unless prior to such an order the 1153
cooperative district is dissolved pursuant to section 3311.54 of 1154

the Revised Code. Any such order shall provide for the equitable 1155
adjustment, division, and disposition of the assets, property, 1156
debts, and obligations of the district among each city, local, 1157
and exempted village school district whose territory is in the 1158
cooperative district and shall provide that the tax duplicate of 1159
each city, local, and exempted village school district whose 1160
territory is in the cooperative district shall be bound for and 1161
assume its share of the outstanding indebtedness of the 1162
cooperative district. 1163

(3) If any city, exempted village, or local school 1164
district described under division (C) (1) of this section fails 1165
to maintain the grades it is specified to operate the 1166
cooperative district within which it has territory shall be 1167
dissolved in accordance with division (C) (2) of this section and 1168
upon that dissolution any city, exempted village, or local 1169
district failing to maintain grades kindergarten through twelve 1170
shall be subject to the provisions for dissolution in division 1171
(A) of this section. 1172

(D) Division (A) of this section does not apply to any 1173
school district that is or has ever been subject to former 1174
section 3302.10 of the Revised Code, as it ~~exists on and after~~ 1175
~~the effective date of this amendment~~ existed prior to the 1176
effective date of this amendment, and has had a majority of its 1177
schools reconstituted or closed under that section. 1178

Sec. 3314.102. (A) As used in this section:— 1179

~~(1) "Chief executive officer" means a chief executive~~ 1180
~~officer appointed by an academic distress commission pursuant to~~ 1181
~~section 3302.10 of the Revised Code.~~ 1182

~~(2) "Municipal", "municipal school district" and "mayor"~~ 1183

have the same meanings as in section 3311.71 of the Revised Code. 1184
1185

(B) Notwithstanding section 3314.10 and sections 4117.03 1186
to 4117.18 of the Revised Code and Section 4 of Amended 1187
Substitute Senate Bill No. 133 of the 115th general assembly, 1188
the employees of a conversion community school that is sponsored 1189
by the board of education of a municipal school district ~~or a~~ 1190
~~school district for which an academic distress commission has~~ 1191
~~been established under section 3302.10 of the Revised Code shall~~ 1192
cease to be subject to any future collective bargaining 1193
agreement, if the mayor ~~or chief executive officer~~ submits to 1194
the board of education sponsoring the school and to the state 1195
employment relations board a statement requesting that all 1196
employees of the community school be removed from a collective 1197
bargaining unit. The employees of the community school who are 1198
covered by a collective bargaining agreement in effect on the 1199
date the mayor ~~or chief executive officer~~ submits the statement 1200
shall remain subject to that collective bargaining agreement 1201
until the collective bargaining agreement expires on its terms. 1202
Upon expiration of that collective bargaining agreement, the 1203
employees of that school are not subject to Chapter 4117. of the 1204
Revised Code and may not organize or collectively bargain 1205
pursuant to that chapter. 1206

Section 2. That existing sections 133.06, 3302.036, 1207
3302.042, 3302.16, 3302.17, 3310.03, 3311.29, and 3314.102 of 1208
the Revised Code are hereby repealed. 1209

Section 3. That sections 3302.10, 3302.101, 3302.102, 1210
3302.11, and 3302.12 of the Revised Code are hereby repealed. 1211

Section 4. That Sections 4, 5, and 6 of Am. Sub. H.B. 70 1212
of the 131st General Assembly are hereby repealed. 1213

Section 5. Section 3302.036 of the Revised Code is 1214
presented in this act as a composite of the section as amended 1215
by both Am. Sub. H.B. 64 and Am. Sub. H.B. 70 of the 131st 1216
General Assembly. The General Assembly, applying the principle 1217
stated in division (B) of section 1.52 of the Revised Code that 1218
amendments are to be harmonized if reasonably capable of 1219
simultaneous operation, finds that the composite is the 1220
resulting version of the section in effect prior to the 1221
effective date of the section as presented in this act. 1222