

As Introduced

**134th General Assembly
Regular Session
2021-2022**

S. B. No. 165

**Senator Manning
Cosponsor: Senator Brenner**



A BILL

To enact section 3302.103 of the Revised Code to 1
modify the operation of academic distress 2
commissions in certain school districts and to 3
declare an emergency. 4

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

Section 1. That section 3302.103 of the Revised Code be 5
enacted to read as follows: 6

Sec. 3302.103. (A) This section applies to any school 7
district that meets both of the following conditions: 8

(1) An academic distress commission was established for 9
the district in 2013 by the superintendent of public instruction 10
under former section 3302.10 of the Revised Code, as it existed 11
prior to October 15, 2015. 12

(2) A new academic distress commission was established for 13
the district by the state superintendent under division (A) (2) 14
of section 3302.10 of the Revised Code. 15

(B) Not later than sixty days after the effective date of 16
this section, the auditor of state shall complete a performance 17

audit of a school district to which this section applies and 18
submit the results of the audit to the board of education of the 19
school district and the academic distress commission established 20
for the district. The performance audit shall be conducted in 21
the same manner as prescribed by section 3316.042 of the Revised 22
Code. 23

(C) Notwithstanding anything to the contrary in the 24
Revised Code, not later than ninety days after the effective 25
date of this section, the district board of a school district to 26
which this section applies, in consultation with the appropriate 27
stakeholders, the academic distress commission, and the chief 28
executive officer appointed by that commission under section 29
3302.10 of the Revised Code, shall develop and submit an 30
academic improvement plan for the district to the state 31
superintendent. 32

The plan developed under division (C) of this section 33
shall operate for a period of three school years and shall 34
include annual and overall academic improvement benchmarks for 35
the district and strategies for achieving those benchmarks. 36

(D) (1) The state superintendent shall review the plan 37
submitted under division (C) of this section. Not later than 38
thirty days after receiving the plan for review, the state 39
superintendent shall submit the plan and any suggested 40
modifications and a recommendation to approve or disapprove the 41
plan to the state board of education. 42

(2) The state board shall review the plan and any 43
suggested modifications provided by the state superintendent and 44
shall approve or disapprove the improvement plan, with or 45
without the state superintendent's modifications, by majority 46
vote of voting members not later than ninety days after the plan 47

is submitted to the state superintendent. Upon approval of the 48
plan by the state board, the district board may begin to prepare 49
to implement the plan, which shall be in effect from July 1, 50
2022, to June 30, 2025. The district's academic distress 51
commission and chief executive officer shall work with the 52
district in preparing to implement the plan. 53

(3) If the district board determines it necessary, it may 54
submit a request to the state board to modify the improvement 55
plan during the period of time specified in division (D)(2) of 56
this section. The improvement plan shall not be modified without 57
the state board's approval. 58

(E) Notwithstanding anything to the contrary in section 59
3302.10 of the Revised Code, during the school years that the 60
district is implementing the plan approved by the state board, 61
the following apply: 62

(1) The district board shall reassume all powers granted 63
to it under the Revised Code. 64

(2) The district's academic distress commission shall 65
continue to exist and provide assistance to the district but 66
shall not have any operational or managerial control of the 67
district. 68

(3) The district board shall provide annual reports to the 69
state board on the district's progress toward achieving the 70
academic benchmarks established in the district's improvement 71
plan. 72

(F) At the end of three school years under the plan, the 73
district shall be evaluated by the state board based on the 74
academic improvement benchmarks established in the plan. 75

(1) (a) If the district improves but does not meet at least 76

a majority of the academic improvement benchmarks established in 77
the improvement plan, the district board may apply to the state 78
board of education for an extension of one school year to 79
continue implementing the plan, pending approval by the state 80
board. If the district does not meet at least a majority of the 81
established benchmarks at the end of the extension, the district 82
again may apply to the state board for an extension of one 83
school year to continue implementing the plan. The district 84
shall not apply for an extension more than twice. 85

(b) If the district does not meet at least a majority of 86
the academic improvement benchmarks at the end of five school 87
years under the plan or if the state board does not approve a 88
district's application for an extension submitted under division 89
(F) (1) (a) of this section, the district shall be subject to all 90
of the provisions of section 3302.10 of the Revised Code, and 91
the chief executive officer for the district shall reassume the 92
powers that were being exercised under that section prior to 93
July 1, 2022. 94

(2) If the district meets at least a majority of the 95
academic improvement benchmarks established in its improvement 96
plan at the end of the initial evaluation or, if applicable, 97
after an extension granted by the state board under division (F) 98
(1) (a) of this section, the academic distress commission shall 99
be dissolved, and the district board shall continue exercising 100
all powers granted to it under the Revised Code. 101

Section 2. This act is hereby declared to be an emergency 102
measure necessary for the immediate preservation of the public 103
peace, health, and safety. The reason for such necessity is to 104
ensure that changes to the operation of low-performing school 105
districts take effect in a timely manner. Therefore, this act 106

shall go into immediate effect.

107