

I_133_1654-1

133rd General Assembly
Regular Session
2019-2020

Sub. H. B. No. 154

A BILL

To amend sections 133.06, 3302.036, 3302.042, 1
3302.10, 3302.11, 3302.12, 3302.17, 3310.03, and 2
3314.102; to amend, for the purpose of adopting 3
a new section number as indicated in 4
parentheses, section 3302.11 (3302.111); and to 5
enact new section 3302.11 and sections 3301.28, 6
3301.281, 3301.282, and 3301.283 of the Revised 7
Code; and to amend Sections 265.10, 265.210, 8
265.337, and 289.10 of Am. Sub. H.B. 166 of the 9
133rd General Assembly to revise the law on 10
interventions for low-performing school 11
districts and schools, to make an appropriation, 12
and to declare an emergency. 13

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

Section 1. That sections 3302.10 and 3302.11 be amended; 14
section 3302.11 (3302.111) be amended for the purpose of 15
adopting a new section number as indicated in parentheses; and 16
new section 3302.11 and sections 3301.28, 3301.281, 3301.282, 17
and 3301.283 of the Revised Code be enacted to read as follows: 18



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Sec. 3301.28. (A)(1) The school transformation board is 19
hereby created. The board shall be responsible for approving 20
contracts with school improvement experts and organizations, 21
establishing school improvement committees, approving 22
alternative interventions, and other actions related to school 23
district academic performance improvement under sections 24
3301.281, 3301.282, 3301.283, 3302.10, and 3302.11 of the 25
Revised Code. 26

(2) The board shall consist of the following members: 27

(a) The superintendent of public instruction; 28

(b) The chancellor of higher education; 29

(c) Three individuals with experience and expertise in 30
education policy or school improvement, appointed by the 31
governor, with the advise and consent of the senate. One of the 32
appointees shall not be from the same political party as the 33
appointing governor. Each member appointed under division (A)(2) 34
(c) of this section shall serve at the pleasure of the governor. 35

All initial appointments to the board shall be completed 36
not later than December 15, 2019. 37

(3) The board may hire an executive director and any 38
necessary staff to assist with the execution of the board's 39
duties. 40

(4) Each board member appointed under division (A)(2)(c) 41
of this section shall be paid five hundred dollars for each day 42
of scheduled meetings the member attends, not to exceed forty- 43
five thousand dollars per member annually, and shall be 44
reimbursed for travel expenses. 45

(B) The board shall hold any public hearing pertaining to 46

school district improvement efforts prescribed by section 47
3302.10 or 3302.11 of the Revised Code at a location within the 48
district subject to the improvement effort. 49

Sec. 3301.281. (A) Not later than December 31, 2019, the 50
department of education shall create a list of approved school 51
improvement experts or organizations that provide root cause 52
analyses or school improvement supports for eligible schools or 53
both. Experts or organizations may include an educational 54
service center, an institution of higher education, or a 55
nonprofit, not-for-profit, or for-profit provider. The 56
department shall update the list not later than the first day of 57
August each year thereafter. 58

(B) A local, city, or exempted village school district 59
that is subject to section 3301.282 of the Revised Code may 60
enter into a contract with a school improvement expert or 61
organization approved under this section. 62

(1) To begin the contracting process, a district board 63
shall submit a letter by certified mail to the department to 64
request state financial assistance for a contract under this 65
section within thirty days after issuance of the district's 66
state report card under section 3302.03 of the Revised Code. The 67
letter may include any root cause analyses, performance audits 68
results, or improvement plans conducted for or developed by the 69
district within the previous three years. 70

(2) The district board, in consultation with the 71
department, shall select an approved expert or organization with 72
which to enter into a contract after the first day of January 73
but not later than the first day of February of that school year 74
unless granted an extension by the school transformation board. 75

(C) (1) If a district enters into a contract with an approved improvement expert or organization in the first year it is subject to section 3301.282 of the Revised Code, the department shall assume one hundred per cent of the cost of the contract between the district and the expert or organization. 76
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(2) If a district enters into a contract with an approved improvement expert or organization in the second year it is subject to section 3301.282 of the Revised Code, the department shall assume fifty per cent of the cost of the contract between the district and the expert or organization. The district shall assume the remainder of the cost. 81
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(D) The department shall administer the contracting process between a district and an improvement expert or organization approved under this section as follows: 87
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(1) Upon receiving the root cause analysis prescribed in section 3301.283 of the Revised Code, the district board may select the expert or organization best suited to address the district's needs. 90
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(2) The department shall draft a contract to be signed by the superintendent of public instruction, the district board president and treasurer, and the chief executive officer of the improvement organization or the expert. 94
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(a) Each contract shall specify progress benchmarks for improvement that the district must meet to continue receiving state funding for the contract entered into under this section and to not become subject to section 3302.10 of the Revised Code. 98
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(b) Each contract term may be for a period of up to three years, with an option for an extension for a period of up to two 103
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additional years. Each contract also shall specify that the 105
improvement expert or organization annually may receive not more 106
than seventy-five per cent of its contractual fee per school 107
receiving assistance under this section at the beginning of each 108
school year and the remainder of that fee when the school is no 109
longer subject to the requirements of this section. 110

(3) The department shall send the contract to the school 111
transformation board for final approval. All contracts entered 112
into under this section are subject to the school transformation 113
board's approval. 114

(E) A district that enters into a contract with an 115
approved improvement expert or organization under this section 116
shall receive an extension from becoming subject to section 117
3302.10 of the Revised Code for a total of up to five 118
consecutive years of an overall "F" grade under division (C) (3) 119
of section 3302.03 of the Revised Code for the district, 120
provided the district remains in compliance with the terms of 121
the contract. After the district receives its sixth consecutive 122
overall grade of "F" it shall become subject to section 3302.10 123
of the Revised Code. 124

(F) If a district terminates a contract with an 125
improvement expert or organization, it must immediately take 126
steps to enter into a contract with another expert or 127
organization, pending approval by the department and the school 128
transformation board, to continue receiving funds under this 129
section. 130

(G) A district that receives funds from the department for 131
purposes of this section may continue to receive such funds 132
unless one of the following conditions apply: 133

(1) The school transformation board determines that the district is not complying with its improvement plan developed under section 3301.282 of the Revised Code. 134
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(2) The district fails to meet established improvement benchmarks for three consecutive years. 137
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(3) The district meets the improvement status exit criteria prescribed by division (F) (1) of section 3301.282 of the Revised Code. 139
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(4) The district has received five consecutive years of funding support from the department for contracts with improvement experts or organizations under this section. 142
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(H) A district shall be eligible to receive funding from the department for a contract under this section as specified in division (B) of this section, once every ten years. 145
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(I) Notwithstanding anything to the contrary in Chapter 127. of the Revised Code, the department shall not be required to use competitive selection in contracting with school improvement experts or organizations for providing school improvement services and root cause analyses. 148
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Sec. 3301.282. (A) Beginning July 1, 2020, this section shall apply to each city, local, and exempted village school district that receives an overall grade of "F" on its state report card under division (C) (3) of section 3302.03 of the Revised Code for the second consecutive school year. Each district that receives such a grade shall be designated with "improvement" status. The department of education shall inform the district of its eligibility for assistance when issuing the district's report card. 153
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(B) (1) Each school district to which this section applies 162

shall create an improvement plan for the district and for each 163
of the district's schools that received an overall grade of "D" 164
or "F" under division (C) (3) of section 3302.03 of the Revised 165
Code. 166

(2) The district board shall convene a community 167
stakeholder group for the district and for each school to assist 168
with the creation of the district or school improvement plan. 169
Members of each group shall include the following: 170

(a) The parent of a student in the school or district; 171

(b) A classroom teacher appointed by the president of the 172
teachers' labor organization of the district; 173

(c) An individual from the business community appointed by 174
the mayor of the municipality in which a majority of the 175
district's territory is located or, if no such municipality 176
exists, by the highest ranking executive officer of the township 177
or other municipal government in which a majority of the 178
district's territory is located; 179

(d) A representative from an institution of higher 180
education in the county or an adjacent county ; 181

(e) A children's services agency representative; 182

(f) A representative from the educational service center 183
with which the district has an agreement under section 3313.843 184
of the Revised Code or, if the district does not have such an 185
agreement, an educational service center of the district's 186
choosing. 187

(3) Each improvement plan shall include the following: 188

(a) The findings and recommendations of any root cause 189
analysis conducted for the district within the previous three 190

<u>years;</u>	191
<u>(b) Evidence-based or evidence-supported strategies for school improvement;</u>	192 193
<u>(c) A list of actions required for the district or school to fully implement the plan;</u>	194 195
<u>(d) A timeline for the implementation of the plan, which must include input and progress benchmarks;</u>	196 197
<u>(e) A set of academic improvement benchmarks based on student data, which may include performance measures prescribed for report cards issued under section 3302.03 of the Revised Code;</u>	198 199 200 201
<u>(f) A plan for ongoing engagement with the community and stakeholders;</u>	202 203
<u>(g) A list of the district, school, and community members responsible for plan implementation.</u>	204 205
<u>(4) The district board must approve each plan by majority vote and file a copy of each with the school transformation board not later than the thirty-first day of May of the school year in which the district becomes subject to this section and each year the district remains in "improvement" status. The school transformation board may grant an extension of that deadline upon request.</u>	206 207 208 209 210 211 212
<u>(5) Upon approval of the plans, the district shall implement the plans, and the district board shall oversee implementation of the plans.</u>	213 214 215
<u>(6) The school district also may enter into a contract with a school improvement expert or organization in the manner prescribed by section 3301.281 of the Revised Code.</u>	216 217 218

(C) (1) If a district receives an overall grade of "F" under division (C) (3) of section 3302.03 of the Revised Code for a third consecutive year, the district shall retain "improvement" status and continue implementing improvement plans. 219
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(2) If a district previously did not enter into a contract with a school improvement expert or organization, it may do so in the manner prescribed in section 3301.281 of the Revised Code. 224
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(D) If a district receives an overall grade of "F" under division (C) (3) of section 3302.03 of the Revised Code for a fourth or fifth consecutive year, and the district has a contract with a school improvement expert or organization, the district shall retain "improvement" status and continue implementing the improvement plans. 228
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(E) If a district receives an overall grade of "F" under division (C) (3) of section 3302.03 of the Revised Code for a sixth consecutive year, it shall become subject to section 3302.10 of the Revised Code. 234
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(F) (1) A district shall exit "improvement" status when either of the following apply: 238
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(a) When a district, for two consecutive school years, receives both an overall grade of "D" or higher and an overall value-added progress dimension score of "C" or higher under division (C) of section 3302.03 of the Revised Code for two consecutive years; 240
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(b) When a district, for three consecutive years, meets all academic benchmarks established in the school improvement plans and the district receives a value-added progress dimension 245
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score of "C" or higher under division (C) (3) of section 3302.03 248
of the Revised Code. 249

(2) Before a district exits "improvement" status, the 250
district board shall reconvene the stakeholder group specified 251
in division (B) (2) of this section to assist with developing a 252
transition plan that describes how the district will do the 253
following: 254

(a) Continue stakeholder engagement; 255

(b) Use and pay for external supports; 256

(c) Continue to measure academic progress against new 257
benchmarks; 258

(d) Continue to implement improvement plans. 259

The district shall file a copy of the transition plan with 260
the school transformation board before the district exits 261
"improvement" status. 262

(G) This section does not apply to a municipal school 263
district as defined in section 3311.741 of the Revised Code. 264

Sec. 3301.283. (A) (1) In the first year a school district 265
is subject to section 3302.10 of the Revised Code or in the year 266
a district submits a letter of intent to enter into a contract 267
with a school improvement expert or organization as prescribed 268
in section 3302.281 of the Revised Code, the department of 269
education, in consultation with the district board, shall select 270
a school improvement expert or organization approved under 271
section 3301.281 of the Revised Code to conduct a root cause 272
analysis of the district. 273

(2) The analysis shall examine the following in the 274
district and, if necessary, in each district school: 275

<u>(a) Leadership, governance, and communication;</u>	276
<u>(b) Curriculum and instruction;</u>	277
<u>(c) Assessments and effective use of student data;</u>	278
<u>(d) Human resources and professional development;</u>	279
<u>(e) Student supports;</u>	280
<u>(f) Fiscal management;</u>	281
<u>(g) District board policies and collective bargaining agreements currently in force;</u>	282 283
<u>(h) Any other issues preventing full or high-quality implementation of the improvement plans.</u>	284 285
<u>(3) The analysis shall be completed not later than the first day of January of the school year in which the expert or organization is contracted to perform the analysis unless granted an extension by the school transformation board. Upon completion, the analysis shall be submitted to the district board of education, the district superintendent, and the department. The reviewing entity shall present the findings of the analysis to local elected officials and at a community forum.</u>	286 287 288 289 290 291 292 293 294
<u>(B) If a district to which this section applies has had a root cause analysis conducted for the district within the past three years, the district board may submit that analysis to the school transformation board for review. If the board determines the analysis satisfies the requirements of division (A) (2) of this section, the district shall not be required to undergo another root cause analysis. If the board determines that the analysis is insufficient, the school district shall undergo a new root cause analysis as prescribed by this section.</u>	295 296 297 298 299 300 301 302 303

(C) This section does not apply to a municipal school district as defined in section 3311.741 of the Revised Code. 304
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Sec. 3302.10. (A) ~~The superintendent of public instruction~~ 306
Notwithstanding anything in the Revised Code to the contrary, 307
when a school district's overall grade issued under division (C) 308
(3) of section 3302.03 of the Revised Code is considered for 309
determining whether the district is subject to a school 310
improvement intervention specified in this section, the 311
department of education shall apply the overall grade the 312
district receives for the 2018-2019 school year and each school 313
year thereafter. At no time shall the department consider any 314
grades issued prior to the 2018-2019 school year to determine 315
whether a district is subject to this section. This 316
consideration does not apply to districts for which an academic 317
distress commission was established under section 3302.10 of the 318
Revised Code as that section existed prior to the effective date 319
of this amendment. 320

(B) Except as provided in section 3302.11 of the Revised 321
Code, the school transformation board shall establish an 322
academic distress commission a school improvement committee for 323
any school district that meets one of the following conditions: 324

(1) The district has received an overall grade of "F" 325
under division (C) (3) of section 3302.03 of the Revised Code for 326
three four consecutive years, unless that district has received 327
an extension under section 3301.281 of the Revised Code. 328

(2) An academic distress commission was established for 329
the district under ~~former~~ any version of section 3302.10 of the 330
Revised Code ~~was~~ as it existed prior to the effective date of 331
this amendment, and that commission is still in existence on the 332
effective date of this ~~section and has been in existence for at~~ 333

~~least four years~~ amendment. 334

~~(B) (1) (C) (1)~~ The academic distress commission school 335
improvement committee shall consist of five six members as 336
follows: 337

(a) Three members appointed by the state superintendent, 338
one of whom ~~is a resident in the county in which a majority of~~ 339
~~the district's territory is located~~ shall have a background in 340
education or education policy; 341

(b) One member appointed by the president of the teachers' 342
labor organization of the district ~~board of education~~, who shall 343
be a teacher employed by the district, The member appointed 344
under division (C) (1) (b) of this section shall be a nonvoting 345
member. 346

(c) One member, from the business community, appointed by 347
the mayor of the municipality in which a majority of the 348
district's territory is located or, if no such municipality 349
exists, by the ~~mayor of a municipality selected by the state~~ 350
~~superintendent in which the district has territory~~ highest 351
ranking executive officer of the township or other municipal 352
government in which a majority of the district's territory is 353
located. 354

(d) The president of the school district board of 355
education. 356

All members at the time of appointment shall be residents 357
of the county in which a majority of the district's territory is 358
located or an adjacent county. 359

Appointments to the ~~commission committee~~ shall be made 360
within thirty days after the district is notified that it is 361
subject to this section. Members of the ~~commission committee~~ 362

shall serve at the pleasure of their appointing authority. The 363
~~state superintendent school transformation board~~ shall designate 364
a chairperson for the ~~commission committee~~ from among the 365
members appointed by the state superintendent. The chairperson 366
shall call and conduct meetings, set meeting agendas, and serve 367
as a liaison between the ~~commission committee~~ and the ~~chief-~~ 368
~~executive officer director~~ appointed under division ~~(C) (1)~~ (D) 369
(1) of this section. 370

(2) (a) In the case of a school district that meets the 371
condition in division ~~(A) (2)~~ (B) (2) of this section, the 372
academic distress commission established for the district under 373
former section 3302.10 of the Revised Code shall be abolished 374
and a new ~~academic distress commission~~ school improvement 375
committee shall be appointed for the district pursuant to 376
division ~~(B) (1)~~ (C) (1) of this section, unless an alternative 377
improvement option is approved pursuant to section 3302.11 of 378
the Revised Code. 379

~~(C) (1)~~ (b) If a district becomes subject to a school 380
improvement committee under division (B) (2) of this section, the 381
district's new school improvement committee may enter into a 382
contract with a school improvement expert or organization and 383
may request state financial assistance for the contract in the 384
manner prescribed in section 3301.281 of the Revised Code. 385

(3) In the first year that a district becomes subject to 386
this section, the district shall receive a root cause analysis 387
as prescribed under section 3301.283 of the Revised Code and a 388
performance audit conducted by the auditor of state in the same 389
manner prescribed in section 3316.042 of the Revised Code. 390

(D) (1) Within sixty days after the ~~state superintendent~~ 391
school transformation board has designated a chairperson for the 392

~~academic distress commissions~~school improvement committee, the 393
~~commission committee~~ shall appoint a ~~chief executive officer-~~ 394
director for the district, who shall be paid by the department 395
of education and shall serve at the pleasure of the 396
~~commission committee~~. The individual appointed as ~~chief executive~~ 397
~~officer director~~ shall have high-level management experience in 398
the public or private sector, which may include school 399
management. The committee may appoint the district 400
superintendent as the director. The ~~chief executive officer-~~ 401
director shall exercise complete operational, managerial, and 402
instructional control of the district, which shall include, but 403
shall not be limited to, the following powers and duties, but 404
the ~~chief executive officer director~~ may delegate, in writing, 405
specific powers or duties to the district board or district 406
superintendent: 407

(a) Replacing school administrators and central office 408
staff; 409

(b) Assigning employees to schools and approving 410
transfers; 411

(c) Hiring new employees; 412

(d) Defining employee responsibilities and job 413
descriptions; 414

(e) Establishing employee compensation; 415

(f) Allocating teacher class loads; 416

(g) Conducting employee evaluations; 417

(h) Making reductions in staff under section 3319.17, 418
3319.171, or 3319.172 of the Revised Code; 419

(i) Setting the school calendar; 420

(j) Creating a budget for the district;	421
(k) Contracting for services for the district;	422
(l) Modifying policies and procedures established by the district board;	423 424
(m) Establishing grade configurations of schools;	425
(n) Determining the school curriculum;	426
(o) Selecting instructional materials and assessments;	427
(p) Setting class sizes;	428
(q) Providing for staff professional development.	429
(2) If an improvement coordinator was previously appointed for the district pursuant to division (A) of section 3302.04 of the Revised Code, that position shall be terminated. However, nothing in this section shall prohibit the chief executive officer <u>director</u> from employing the same individual or other staff to perform duties or functions previously performed by the improvement coordinator.	430 431 432 433 434 435 436
(D) The academic distress commission, in consultation with the state superintendent and the chief executive officer, shall be responsible for expanding high quality school choice options in the district. The commission, in consultation with the state superintendent, may create an entity to act as a high quality school accelerator for schools not operated by the district. The accelerator shall promote high quality schools in the district, lead improvement efforts for underperforming schools, recruit high quality sponsors for community schools, attract new high quality schools to the district, and increase the overall capacity of schools to deliver a high quality education for students. Any accelerator shall be an independent entity and the	437 438 439 440 441 442 443 444 445 446 447 448

~~chief executive officer shall have no authority over the~~ 449
~~accelerator.~~ 450

(E) (1) Within thirty days after the ~~chief executive~~ 451
~~officer~~ director is appointed, the ~~chief executive officer~~ 452
director shall convene a group of community stakeholders. The 453
purpose of the group shall be to develop expectations for 454
academic improvement in the district and to assist the district 455
in building relationships with organizations in the community 456
that can provide needed services to students. Members of the 457
group shall include, but shall not be limited to, educators, 458
civic and business leaders, and representatives of institutions 459
of higher education and government service agencies. Within 460
ninety days after the ~~chief executive officer~~ director is 461
appointed, the ~~chief executive officer~~ director also shall 462
convene a smaller group of community stakeholders for each 463
school operated by the district to develop expectations for 464
academic improvement in that school and assist with creating an 465
improvement plan. The group convened for each school shall have 466
teachers employed in the school and parents of students enrolled 467
in the school among its members. 468

(2) The ~~chief executive officer~~ director shall create a 469
district plan and individual school plans to improve the 470
district's academic performance. In creating the ~~plan~~ plans, the 471
~~chief executive officer~~ director shall consult with the groups 472
convened under division (E) (1) of this section. The ~~chief~~ 473
~~executive officer~~ director also shall consider the availability 474
of funding to ensure sustainability of the ~~plan~~ plans. The ~~plan~~ 475
plans shall establish clear, measurable performance goals for 476
the district and for each school operated by the district. The 477
performance goals shall include, but not be limited to, the 478
performance measures prescribed for report cards issued under 479

section 3302.03 of the Revised Code. Within ~~ninety one hundred~~ 480
~~twenty days~~ after the ~~chief executive officer director~~ is 481
appointed, the ~~chief executive officer director~~ shall submit the 482
~~plan plans~~ to the ~~academic distress commission school~~ 483
~~improvement committee~~ for approval. Within thirty days after the 484
submission of the ~~plan plans~~, the ~~commission committee~~ shall 485
approve ~~the each~~ plan or suggest modifications to ~~the a~~ plan 486
that will render it acceptable. If the ~~commission committee~~ 487
suggests modifications, the ~~chief executive officer may director~~ 488
~~shall~~ revise the plan before resubmitting it to the ~~commission.~~ 489
~~The chief executive officer shall and~~ resubmit the plan, ~~whether~~ 490
~~revised or not,~~ within fifteen days ~~after the commission~~ 491
~~suggests modifications.~~ The ~~commission committee~~ shall approve 492
the plan within ~~thirty fifteen~~ days after the plan is 493
resubmitted. Upon approval of the ~~plan plans~~ by the 494
~~commission committee,~~ the ~~chief executive officer director~~ shall 495
implement the ~~plan plans~~. 496

~~(F)~~ (3) The school improvement committee established for 497
the district shall conduct an annual performance evaluation of 498
the director appointed by the committee and submit it to the 499
district board. 500

(4) The director of the district shall appear before the 501
district board to make quarterly reports on progress made by the 502
district toward no longer being subject to a school improvement 503
committee as described in division (H) of this section. For 504
those same purposes, the director shall, at the request of the 505
district board, appear at any regularly scheduled meeting of the 506
district board. 507

(5) The treasurer of the school district shall make all 508
required reports to the committee and to the district board. 509

(F) Notwithstanding any provision to the contrary in 510
Chapter 4117. of the Revised Code, if the district board has 511
entered into, modified, renewed, or extended a collective 512
bargaining agreement on or after ~~the effective date of this~~ 513
~~section~~ October 15, 2015, that contains provisions relinquishing 514
one or more of the rights or responsibilities listed in division 515
(C) of section 4117.08 of the Revised Code, those provisions are 516
not enforceable and the ~~chief executive officer~~ director and the 517
district board shall resume holding those rights or 518
responsibilities as if the district board had not relinquished 519
them in that agreement until such time as both the ~~academic~~ 520
~~distress commission~~ school improvement committee ceases to exist 521
and the district board agrees to relinquish those rights or 522
responsibilities in a new collective bargaining agreement. For 523
purposes of this section, "collective bargaining agreement" 524
shall include any labor contract or agreement in effect with any 525
applicable bargaining representative. The ~~chief executive~~ 526
~~officer~~ director and the district board are not required to 527
bargain on subjects reserved to the management and direction of 528
the school district, including, but not limited to, the rights 529
or responsibilities listed in division (C) of section 4117.08 of 530
the Revised Code. The way in which these subjects and these 531
rights or responsibilities may affect the wages, hours, terms 532
and conditions of employment, or the continuation, modification, 533
or deletion of an existing provision of a collective bargaining 534
agreement is not subject to collective bargaining or effects 535
bargaining under Chapter 4117. of the Revised Code. The 536
provisions of this paragraph apply to a collective bargaining 537
agreement entered into, modified, renewed, or extended on or 538
after ~~the effective date of this section~~ October 15, 2015, and 539
those provisions are deemed to be part of that agreement 540
regardless of whether the district satisfied the conditions 541

prescribed in division ~~(A)~~ (B) of this section at the time the 542
district entered into that agreement. If the district board 543
relinquished one or more of the rights or responsibilities 544
listed in division (C) of section 4117.08 of the Revised Code in 545
a collective bargaining agreement entered into prior to ~~the~~ 546
~~effective date of this section~~ October 15, 2015, and had resumed 547
holding those rights or responsibilities pursuant to division 548
(K) of former section 3302.10 of the Revised Code, as it existed 549
prior to that date, the district board shall continue to hold 550
those rights or responsibilities until such time as both the new 551
~~academic distress commission~~ school improvement committee 552
appointed under this section ceases to exist ~~upon completion of~~ 553
~~the transition period specified in~~ under division ~~(N)(1)~~ (H) of 554
this section and the district board agrees to relinquish those 555
rights or responsibilities in a new collective bargaining 556
agreement. 557

(G) In each school year that the district is subject to 558
this section, and does not meet the qualifications of division 559
(H) of this section, the following shall apply: 560

(1) The ~~chief executive officer~~ director shall implement 561
the improvement ~~plan~~ plans approved under division (E)(2) of 562
this section and shall review ~~the~~ each plan annually to 563
determine if changes are needed. The ~~chief executive officer~~ 564
director may modify ~~the~~ a plan upon the approval of the 565
modifications by the ~~academic distress commissions~~ school 566
improvement committee. 567

(2) The ~~chief executive officer~~ director may implement 568
innovative education programs to do any of the following: 569

(a) Address the physical and mental well-being of students 570
and their families; 571

(b) Provide mentoring;	572
(c) Provide job resources;	573
(d) Disseminate higher education information;	574
(e) Offer recreational or cultural activities;	575
(f) Provide any other services that will contribute to a successful learning environment.	576 577
The chief executive officer <u>director</u> shall establish a separate fund to support innovative education programs and shall deposit any moneys appropriated by the general assembly for the purposes of division (G) (2) of this section in the fund. The chief executive officer <u>director</u> shall have sole authority to disburse moneys from the fund until the district is no longer subject to this section. All disbursements shall support the improvement plan <u>plans</u> approved under division (E) (2) of this section.	578 579 580 581 582 583 584 585 586
(3) If the 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, each student who is entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code and is enrolled in a school operated by the district or in a community school, or will be both enrolling in any of grades kindergarten through twelve in this state for the first time and at least five years of age by the first day of January of the following school year, shall be eligible to participate in the educational choice scholarship pilot program established under sections 3310.01 to 3310.17 of the Revised Code and an application for the student may be submitted during the next application period.	587 588 589 590 591 592 593 594 595 596 597 598 599
(4) Notwithstanding anything to the contrary in the	600

Revised Code, the ~~chief executive officer~~ director may limit, 601
suspend, or alter any contract with an administrator that is 602
entered into, modified, renewed, or extended by the district 603
board on or after ~~the effective date of this section~~ October 15, 604
2015, provided that the ~~chief executive officer~~ director shall 605
not reduce any salary or base hourly rate of pay unless such 606
salary or base hourly rate reductions are part of a uniform plan 607
affecting all district employees and shall not reduce any 608
insurance benefits unless such insurance benefit reductions are 609
also applicable generally to other employees of the district. 610

(5) The ~~chief executive officer~~ director shall represent 611
the district board during any negotiations to modify, renew, or 612
extend a collective bargaining agreement entered into by the 613
board under Chapter 4117. of the Revised Code. 614

~~(H) If the report card for the district has been issued~~ 615
~~under section 3302.03 of the Revised Code for the first school~~ 616
~~year that the district is subject to this section and the~~ 617
~~district does not meet the qualification in division (N)(1) of~~ 618
~~this section, the following shall apply:-~~ 619

~~(1)-(6)~~ The chief executive officer director may 620
reconstitute any school operated by the district. The ~~chief~~ 621
~~executive officer~~ director shall present to the ~~academic~~ 622
~~distress commission~~ school improvement committee a plan that 623
lists each school designated for reconstitution and explains how 624
the ~~chief executive officer~~ director plans to reconstitute the 625
school. The ~~chief executive officer~~ director may take any of the 626
following actions to reconstitute a school: 627

(a) Change the mission of the school or the focus of its 628
curriculum; 629

(b) Replace the school's principal and/or administrative staff; 630
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(c) Replace a majority of the school's staff, including teaching and nonteaching employees; 632
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(d) Contract with a nonprofit or for-profit entity to manage the operations of the school. The contract may provide for the entity to supply all or some of the staff for the school. 634
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(e) Reopen the school as a community school under Chapter 3314. of the Revised Code or a science, technology, engineering, and mathematics school under Chapter 3326. of the Revised Code; 638
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(f) Permanently close the school. 641

If the ~~chief executive officer~~ director plans to reconstitute a school under division ~~(H) (1) (e)~~ (G) (6) (e) or (f) of this section, the ~~commission~~ committee shall review the plan for that school and either approve or reject it by the thirtieth day of June of the school year. Upon approval of the plan by the ~~commission~~ committee, the ~~chief executive officer~~ director shall reconstitute the school as outlined in the plan. 642
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~~(2) (7)~~ Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the ~~chief executive officer~~ director, in consultation with the chairperson of the ~~academic distress commissions~~ school improvement committee, may reopen any collective bargaining agreement entered into, modified, renewed, or extended on or after ~~the effective date of this section~~ October 15, 2015, for the purpose of renegotiating its terms. The ~~chief executive officer~~ director shall have the sole discretion to designate any provisions of a collective bargaining agreement as subject to reopening by providing 649
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written notice to the bargaining representative. Any provisions 659
designated for reopening by the ~~chief executive officer~~ director 660
shall be subject to collective bargaining as set forth in 661
Chapter 4117. of the Revised Code. Any changes to the provisions 662
subject to reopening shall take effect on the following first 663
day of July or another date agreed to by the parties. The ~~chief-~~ 664
~~executive officer~~ director may reopen a collective bargaining 665
agreement under division ~~(H) (2)~~ (G) (7) of this section as 666
necessary to reconstitute a school under division ~~(H) (1)~~ (G) (6) 667
of this section. 668

~~(I) If the report card for the district has been issued~~ 669
~~under section 3302.03 of the Revised Code for the second school~~ 670
~~year that the district is subject to this section and the~~ 671
~~district does not meet the qualification in division (N) (1) of~~ 672
~~this section, the following shall apply:-~~ 673

~~(1) The chief executive officer may exercise any of the~~ 674
~~powers authorized under division (H) of this section.~~ 675

~~(2)-(8)~~ Notwithstanding any provision to the contrary in 676
Chapter 4117. of the Revised Code, the ~~chief executive officer~~ 677
director may limit, suspend, or alter any provision of a 678
collective bargaining agreement entered into, modified, renewed, 679
or extended on or after ~~the effective date of this section~~ 680
October 15, 2015, provided that the ~~chief executive officer~~ 681
director shall not reduce any base hourly rate of pay and shall 682
not reduce any insurance benefits. The decision to limit, 683
suspend, or alter any provision of a collective bargaining 684
agreement under this division is not subject to bargaining under 685
Chapter 4117. of the Revised Code; however, the ~~chief executive~~ 686
~~officer~~ director shall have the discretion to engage in effects 687
bargaining on the way any such decision may affect wages, hours, 688

or terms and conditions of employment. The ~~chief executive officer~~ director may limit, suspend, or alter a provision of a collective bargaining agreement under division ~~(I) (2)~~ (G) (8) of this section as necessary to reconstitute a school under division ~~(H) (1)~~ (G) (6) of this section.

~~(J) If the report card for the district has been issued under section 3302.03 of the Revised Code for the third school year that the district is subject to this section and the district does not meet the qualification in division (N) (1) of this section, the following shall apply:~~

~~(1) The chief executive officer may exercise any of the powers authorized under division (H) or (I) of this section.~~

~~(2) The chief executive officer may continue in effect a limitation, suspension, or alteration of a provision of a collective bargaining agreement issued under division (I) (2) of this section. Any such continuation shall be subject to the requirements and restrictions of that division.~~

~~(K) If the report card for the district has been issued under section 3302.03 of the Revised Code for the fourth school year that the district is subject to this section and the district does not meet the qualification in division (N) (1) of this section, the following shall apply:~~

~~(1) The chief executive officer may exercise any of the powers authorized under division (H), (I), or (J) of this section.~~

~~(2) A new board of education shall be appointed for the district in accordance with section 3302.11 of the Revised Code. However, the chief executive officer shall retain complete operational, managerial, and instructional control of the~~

~~district until the chief executive officer relinquishes that control to the district board under division (N) (1) of this section.~~ 718
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~~(L) If the report card for the district has been issued under section 3302.03 of the Revised Code for the fifth school year, or any subsequent school year, that the district is subject to this section and the district does not meet the qualification in division (N) (1) of this section, the chief executive officer may exercise any of the powers authorized under division (H), (I), (J), or (K) (1) of this section.~~ 721
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~~(M) If division (I), (J), (K), or (L) of this section applies to a district, community schools, STEM schools, chartered nonpublic schools, and other school districts that enroll students residing in the district and meet academic accountability standards shall be eligible to be paid an academic performance bonus in each fiscal year for which the general assembly appropriates funds for that purpose. The academic performance bonus is intended to give students residing in the district access to a high quality education by encouraging high-quality schools to enroll those students.~~ 728
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~~(N) (1) (H) When a district subject to this section receives both an overall grade of "C"-"D" or higher and an overall value-added progress dimension score of "C" or higher under division (C) (3) of section 3302.03 of the Revised Code, the district shall begin its transition out of being subject to this section. Except as provided in division (N) (2) of this section, the transition period shall last until the district has received an overall grade higher than "F" under division (C) (3) of section 3302.03 of the Revised Code for two consecutive school years after the transition period begins. The overall~~ 738
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~~grade of "C" or higher that qualifies the district to begin the transition period shall not count as one of the two consecutive school years. During the transition period, the conditions described in divisions (F) to (L) of this section for the school year prior to the school year in which the transition period begins shall continue to apply and the chief executive officer shall work closely with the district board and district superintendent to increase their ability to resume control of the district and sustain the district's academic improvement over time. Upon completion of the transition period, the chief executive officer for two consecutive years, the district shall no longer be subject to this section. The director shall relinquish all operational, managerial, and instructional control of the district to the district board and district superintendent and the academic distress commission school improvement committee shall cease to exist.~~

~~(2) If the district receives an overall grade of "F" under division (C) (3) of section 3302.03 of the Revised Code at any time during the transition period, the transition period shall end and the district shall be fully subject to this section again. The district shall resume being fully subject to this section at the point it began its transition out of being subject to this section and the division in divisions (H) to (L) of this section that would have applied to the district had the district not qualified to begin its transition under division (N) (1) of this section shall apply to the district.~~

~~(O) If at any time there are no longer any schools operated by the district due to reconstitution or other closure of the district's schools under this section, the academic distress commission shall cease to exist and the chief executive officer shall cease to exercise any powers with respect to the~~

~~district.~~ 779

~~(P)~~ (I) Beginning on the effective date of this section, 780
October 15, 2015, each collective bargaining agreement entered 781
into by a school district board of education under Chapter 4117. 782
of the Revised Code shall incorporate the provisions of this 783
section. 784

~~(Q)~~ (J) The ~~chief executive officer~~ director, the members 785
of the ~~academic distress commission~~ school improvement committee, 786
the ~~state superintendent~~ members of the school transformation 787
board, and any person authorized to act on behalf of or assist 788
them shall not be personally liable or subject to any suit, 789
judgment, or claim for damages resulting from the exercise of or 790
failure to exercise the powers, duties, and functions granted to 791
them in regard to their functioning under this section, but the 792
~~chief executive officer~~ director, commission committee, state 793
~~superintendent~~ members of the board, and such other persons shall 794
be subject to mandamus proceedings to compel performance of 795
their duties under this section. 796

~~(R)~~ (K) The state superintendent shall not exempt any 797
district from this section by approving an application for an 798
innovative education pilot program submitted by the district 799
under section 3302.07 of the Revised Code. 800

Each school improvement committee is a body politic and 801
shall be subject to sections 121.22, 149.43, 2921.42, and 802
2921.43 and Chapter 102. of the Revised Code. 803

Sec. 3302.11. (A) (1) The board of education of a school 804
district to which division (B) (1) of section 3302.10 of the 805
Revised Code applies may petition the school transformation 806
board within thirty days after becoming subject to that section 807

for an alternative district intervention option developed by the 808
district board. 809

(2) The school transformation board shall hold a public 810
hearing at which the district board shall provide testimony as 811
to why the district should become subject to the board's desired 812
option. 813

(3) The school transformation board shall then approve or 814
deny the district board's request after considering the district 815
board's testimony. If the request is denied, the district shall 816
be subject to a school improvement committee as described in 817
section 3302.10 of the Revised Code. The only alternative the 818
school transformation board may approve is the alternative 819
offered by the district board. 820

(B)(1) The board of education of a district subject to an 821
academic distress commission established by the state 822
superintendent under any version of section 3302.10 of the 823
Revised Code as it existed prior to the effective date of this 824
section shall continue to operate under that commission under 825
section 3302.10 of the Revised Code as it existed prior to the 826
effective date of this section until either a school improvement 827
committee is established for the district or the school 828
transformation board approves an alternative intervention option 829
for the district under division (B)(4) or (5) of this section. 830

(2) The district board may request a public hearing from 831
the school transformation board any time after February 15, 832
2020, but not later than June 30, 2020, to petition for the 833
dissolution of the district's academic distress commission and 834
the district board's desired alternative intervention option. 835
The school transformation board shall then hold a hearing at a 836
time of the school transformation board's choosing. 837

(3) For the purposes of dissolution, the district board shall present testimony at the hearing that includes a transition plan that outlines the alternative intervention option, the district's proposed leadership structure, a timeline for transition to local control, and explanations as to how the district would avoid disruption in the district and continue academic improvement. Testimony also shall include any root cause analysis or performance audit conducted for the district within the previous three years. 838
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(4) (a) If the school transformation board grants the district's request for dissolution and an alternative intervention option, the district shall continue to operate under the academic distress commission as prescribed in section 3302.10 of the Revised Code as that section existed prior to the effective date of this section until June 30, 2020, unless the board determines that an earlier date would not cause disruption within the district. The chief executive officer then shall relinquish all operational, managerial, and instructional control of the district to the district board and district superintendent and the academic distress commission shall cease to exist. 847
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(b) The district shall receive a root cause analysis as prescribed by section 3301.283 of the Revised Code unless that district has received such analysis as prescribed by section 3301.283 of the Revised Code within the past three years. 859
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(5) If the district board does not submit a petition for dissolution by June 30, 2020, or the school transformation board does not grant the district board's petition for dissolution, the district shall continue to operate under the academic distress commission as prescribed in section 3302.10 of the 863
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Revised Code as that section existed prior to the effective date 868
of this section until June 30, 2020, at which point the academic 869
distress commission shall be dissolved. The district then shall 870
be subject to a school improvement committee as described in 871
section 3302.10 of the Revised Code as that section exists on 872
and after the effective date of this section . 873

(C) A district shall no longer be subject to an 874
alternative school district improvement intervention when the 875
district, for two consecutive school years, receives both an 876
overall grade of "D" or higher and an overall value-added 877
progress dimension score of "C" or higher under division (C) of 878
section 3302.03 of the Revised Code. 879

Sec. ~~3302.11~~ 3302.111. (A) This section applies to any 880
school district that ~~becomes~~became subject to division (K) of 881
section 3302.10 of the Revised Code, as it ~~exists on and after~~
existed prior to the effective date of this ~~section~~amendment. 882 883

(B) As used in this section, "mayor" means the mayor of 884
the municipality in which a majority of the territory of a 885
school district to which this section applies is located or, if 886
no such municipality exist, the mayor of a municipality selected 887
by the superintendent of public instruction in which the 888
district has territory. 889

(C) On the first day of January following the date on 890
which this section first applies to a school district, the mayor 891
shall appoint a new five-member board of education for the 892
district from a slate of candidates nominated by the nominating 893
panel established under division (D) (1) of this section. 894

(D) (1) Not later than thirty days after the date on which 895
this section first applies to a school district, the 896

superintendent of public instruction shall convene a nominating 897
panel to nominate candidates for appointment to the district 898
board of education. The panel shall consist of the following 899
members: 900

(a) Two persons appointed by the mayor, one of whom shall 901
be a representative of the business community or an institution 902
of higher education located in the district; 903

(b) One principal employed by the district, who shall be 904
selected by a vote of the district's principals conducted by the 905
state superintendent; 906

(c) One teacher appointed by the bargaining representative 907
for teachers employed by the district; 908

(d) One parent of a student enrolled in the district 909
appointed by the parent-teacher association, or a similar 910
organization selected by the state superintendent; 911

(e) The chairperson of the academic distress commission 912
established for the district under section 3302.10 of the 913
Revised Code and the chief executive officer appointed under 914
division (C)(1) of that section, until such time as the 915
commission ceases to exist. 916

(2) The state superintendent shall be a nonvoting member 917
of the panel and shall serve as chairperson of the panel for the 918
first two years of the panel's existence. After that time, the 919
panel shall select one of its members as chairperson. The panel 920
shall meet as necessary to make nominations at the call of the 921
chairperson. All members of the panel shall serve at the 922
pleasure of their appointing authority. A vacancy on the panel 923
shall be filled in the same manner as the initial appointment. 924

(E) Not later than thirty days after the nominating panel 925

is convened, the panel shall nominate a slate of at least ten 926
candidates for possible appointment to the district board of 927
education. All candidates shall be residents of the school 928
district and shall hold no elected public office. At least two 929
of the candidates shall reside outside of the municipal 930
corporation served by the mayor, if that municipal corporation 931
does not contain all of the district's territory. 932

(F) Not later than thirty days after receiving the slate 933
of candidates, the mayor shall select five members from the 934
slate for appointment to the district board of education. 935
Initial members of the board shall take office on the first day 936
of January following their appointment and their terms shall 937
expire on the thirtieth day of June following the referendum 938
election required by division (G) (1) of this section. 939

(G) (1) At the general election held in the first even- 940
numbered year occurring at least three years after the date on 941
which the academic distress commission established for the 942
district ceases to exist pursuant to division ~~(N) (1)~~ (H) of 943
section 3302.10 of the Revised Code as that section exists on 944
and after the effective date of this amendment, a referendum 945
election shall be held to determine if the mayor shall continue 946
to appoint the district board of education. Not later than 947
ninety days before the general election, the board of education 948
shall notify the board of elections of each county containing 949
territory of the district of the referendum election. At the 950
general election, the following question shall be submitted to 951
the electors of the district: 952

"Shall the mayor of . . . (here insert the name of the 953
applicable municipal corporation) continue to appoint the 954
members of the board of education of the . . . (here insert the 955

name of the school district to which this section applies)?" 956

The board of elections of the county in which the majority 957
of the district's territory is located shall make all necessary 958
arrangements for the submission of the question to the electors, 959
and the election shall be conducted, canvassed, and certified in 960
the same manner as regular elections in the district for the 961
election of county officers, provided that in any such election 962
in which only part of the electors of a precinct are qualified 963
to vote, the board of elections may assign voters in such part 964
to an adjoining precinct. Such an assignment may be made to an 965
adjoining precinct in another county with the consent and 966
approval of the board of elections of such other county. Notice 967
of the election shall be published in a newspaper of general 968
circulation in the district once a week for two consecutive 969
weeks, or as provided in section 7.16 of the Revised Code, prior 970
to the election. If the board of elections operates and 971
maintains a web site, the board of elections shall post notice 972
of the election on its web site for thirty days prior to the 973
election. The notice shall state the question on which the 974
election is being held. The ballot shall be in the form 975
prescribed by the secretary of state. Costs of submitting the 976
question to the electors shall be charged to the district in 977
accordance with section 3501.17 of the Revised Code. 978

(2) If a majority of the electors voting on the question 979
proposed in division (G)(1) of this section approve the 980
question, the mayor shall appoint a new board of education on 981
the immediately following first day of July from a slate of 982
candidates nominated by the nominating panel in the same manner 983
as the initial board was appointed pursuant to divisions (E) and 984
(F) of this section. Three of the members of the new board shall 985
be appointed to four-year terms and two of the members shall be 986

appointed to two-year terms, each term beginning on the first 987
day of July. Thereafter, the mayor shall appoint members to 988
four-year terms in the same manner prescribed in divisions (E) 989
and (F) of this section. Whenever the nominating panel is 990
required to nominate a slate of candidates, the panel shall 991
nominate at least twice the number of candidates as members to 992
be appointed to the board at that time, including two candidates 993
who reside outside of the municipal corporation served by the 994
mayor, if that municipal corporation does not contain all of the 995
district's territory. Nothing in this division shall preclude 996
the nominating panel from nominating as a candidate a person who 997
was a member of the board prior to the referendum election or 998
shall preclude the mayor from appointing such a person to the 999
new board. 1000

(3) If a majority of the electors voting on the question 1001
proposed in division (G) (1) of this section disapprove the 1002
question, a new board of education shall be elected at the next 1003
regular election occurring in November of an odd-numbered year. 1004
The board shall have the same number of members as the board in 1005
place prior to the board appointed under this section. At such 1006
election, one-half of the total number of members rounded up to 1007
the next whole number shall be elected for terms of four years 1008
and the remaining members shall be elected for terms of two 1009
years. Thereafter, their successors shall be elected in the same 1010
manner and for the same terms as provided in the Revised Code 1011
for members of boards of education. All members of the board of 1012
education appointed under this section shall continue to serve 1013
after the end of the terms to which they were appointed until 1014
their successors are qualified and assume office in accordance 1015
with section 3313.09 of the Revised Code. 1016

(H) All of the following shall apply to a board of 1017

education appointed under division (F) or (G) (2) of this 1018
section: 1019

(1) At any given time, at least two of the board members 1020
shall have significant expertise in education, finance, or 1021
business management and at least one member shall reside outside 1022
of the municipal corporation served by the mayor, if that 1023
municipal corporation does not contain all of the district's 1024
territory. 1025

(2) The members of the board shall designate one of its 1026
members as the chairperson of the board. The chairperson shall 1027
have all the rights, authority, and duties conferred upon the 1028
president of a board of education by the Revised Code. 1029

(3) The mayor may remove any member of the board with the 1030
advice and consent of the nominating panel. 1031

Section 2. That existing sections 3302.10 and 3302.11 of 1032
the Revised Code are hereby repealed. 1033

Section 3. That sections 133.06, 3302.036, 3302.042, 1034
3302.12, 3302.17, 3310.03, and 3314.102 of the Revised Code be 1035
amended to read as follows: 1036

Sec. 133.06. (A) A school district shall not incur, 1037
without a vote of the electors, net indebtedness that exceeds an 1038
amount equal to one-tenth of one per cent of its tax valuation, 1039
except as provided in divisions (G) and (H) of this section and 1040
in division (D) of section 3313.372 of the Revised Code, or as 1041
prescribed in section 3318.052 or 3318.44 of the Revised Code, 1042
or as provided in division (J) of this section. 1043

(B) Except as provided in divisions (E), (F), and (I) of 1044
this section, a school district shall not incur net indebtedness 1045
that exceeds an amount equal to nine per cent of its tax 1046

valuation. 1047

(C) A school district shall not submit to a vote of the 1048
electors the question of the issuance of securities in an amount 1049
that will make the district's net indebtedness after the 1050
issuance of the securities exceed an amount equal to four per 1051
cent of its tax valuation, unless the superintendent of public 1052
instruction, acting under policies adopted by the state board of 1053
education, and the tax commissioner, acting under written 1054
policies of the commissioner, consent to the submission. A 1055
request for the consents shall be made at least one hundred 1056
twenty days prior to the election at which the question is to be 1057
submitted. 1058

The superintendent of public instruction shall certify to 1059
the district the superintendent's and the tax commissioner's 1060
decisions within thirty days after receipt of the request for 1061
consents. 1062

If the electors do not approve the issuance of securities 1063
at the election for which the superintendent of public 1064
instruction and tax commissioner consented to the submission of 1065
the question, the school district may submit the same question 1066
to the electors on the date that the next special election may 1067
be held under section 3501.01 of the Revised Code without 1068
submitting a new request for consent. If the school district 1069
seeks to submit the same question at any other subsequent 1070
election, the district shall first submit a new request for 1071
consent in accordance with this division. 1072

(D) In calculating the net indebtedness of a school 1073
district, none of the following shall be considered: 1074

(1) Securities issued to acquire school buses and other 1075

equipment used in transporting pupils or issued pursuant to 1076
division (D) of section 133.10 of the Revised Code; 1077

(2) Securities issued under division (F) of this section, 1078
under section 133.301 of the Revised Code, and, to the extent in 1079
excess of the limitation stated in division (B) of this section, 1080
under division (E) of this section; 1081

(3) Indebtedness resulting from the dissolution of a joint 1082
vocational school district under section 3311.217 of the Revised 1083
Code, evidenced by outstanding securities of that joint 1084
vocational school district; 1085

(4) Loans, evidenced by any securities, received under 1086
sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code; 1087

(5) Debt incurred under section 3313.374 of the Revised 1088
Code; 1089

(6) Debt incurred pursuant to division (B)(5) of section 1090
3313.37 of the Revised Code to acquire computers and related 1091
hardware; 1092

(7) Debt incurred under section 3318.042 of the Revised 1093
Code; 1094

(8) Debt incurred under section 5705.2112 or 5705.2113 of 1095
the Revised Code by the fiscal board of a qualifying partnership 1096
of which the school district is a participating school district. 1097

(E) A school district may become a special needs district 1098
as to certain securities as provided in division (E) of this 1099
section. 1100

(1) A board of education, by resolution, may declare its 1101
school district to be a special needs district by determining 1102
both of the following: 1103

(a) The student population is not being adequately 1104
serviced by the existing permanent improvements of the district. 1105

(b) The district cannot obtain sufficient funds by the 1106
issuance of securities within the limitation of division (B) of 1107
this section to provide additional or improved needed permanent 1108
improvements in time to meet the needs. 1109

(2) The board of education shall certify a copy of that 1110
resolution to the superintendent of public instruction with a 1111
statistical report showing all of the following: 1112

(a) The history of and a projection of the growth of the 1113
tax valuation; 1114

(b) The projected needs; 1115

(c) The estimated cost of permanent improvements proposed 1116
to meet such projected needs. 1117

(3) The superintendent of public instruction shall certify 1118
the district as an approved special needs district if the 1119
superintendent finds both of the following: 1120

(a) The district does not have available sufficient 1121
additional funds from state or federal sources to meet the 1122
projected needs. 1123

(b) The projection of the potential average growth of tax 1124
valuation during the next five years, according to the 1125
information certified to the superintendent and any other 1126
information the superintendent obtains, indicates a likelihood 1127
of potential average growth of tax valuation of the district 1128
during the next five years of an average of not less than one 1129
and one-half per cent per year. The findings and certification 1130
of the superintendent shall be conclusive. 1131

(4) An approved special needs district may incur net 1132
indebtedness by the issuance of securities in accordance with 1133
the provisions of this chapter in an amount that does not exceed 1134
an amount equal to the greater of the following: 1135

(a) Twelve per cent of the sum of its tax valuation plus 1136
an amount that is the product of multiplying that tax valuation 1137
by the percentage by which the tax valuation has increased over 1138
the tax valuation on the first day of the sixtieth month 1139
preceding the month in which its board determines to submit to 1140
the electors the question of issuing the proposed securities; 1141

(b) Twelve per cent of the sum of its tax valuation plus 1142
an amount that is the product of multiplying that tax valuation 1143
by the percentage, determined by the superintendent of public 1144
instruction, by which that tax valuation is projected to 1145
increase during the next ten years. 1146

(F) A school district may issue securities for emergency 1147
purposes, in a principal amount that does not exceed an amount 1148
equal to three per cent of its tax valuation, as provided in 1149
this division. 1150

(1) A board of education, by resolution, may declare an 1151
emergency if it determines both of the following: 1152

(a) School buildings or other necessary school facilities 1153
in the district have been wholly or partially destroyed, or 1154
condemned by a constituted public authority, or that such 1155
buildings or facilities are partially constructed, or so 1156
constructed or planned as to require additions and improvements 1157
to them before the buildings or facilities are usable for their 1158
intended purpose, or that corrections to permanent improvements 1159
are necessary to remove or prevent health or safety hazards. 1160

(b) Existing fiscal and net indebtedness limitations make 1161
adequate replacement, additions, or improvements impossible. 1162

(2) Upon the declaration of an emergency, the board of 1163
education may, by resolution, submit to the electors of the 1164
district pursuant to section 133.18 of the Revised Code the 1165
question of issuing securities for the purpose of paying the 1166
cost, in excess of any insurance or condemnation proceeds 1167
received by the district, of permanent improvements to respond 1168
to the emergency need. 1169

(3) The procedures for the election shall be as provided 1170
in section 133.18 of the Revised Code, except that: 1171

(a) The form of the ballot shall describe the emergency 1172
existing, refer to this division as the authority under which 1173
the emergency is declared, and state that the amount of the 1174
proposed securities exceeds the limitations prescribed by 1175
division (B) of this section; 1176

(b) The resolution required by division (B) of section 1177
133.18 of the Revised Code shall be certified to the county 1178
auditor and the board of elections at least one hundred days 1179
prior to the election; 1180

(c) The county auditor shall advise and, not later than 1181
ninety-five days before the election, confirm that advice by 1182
certification to, the board of education of the information 1183
required by division (C) of section 133.18 of the Revised Code; 1184

(d) The board of education shall then certify its 1185
resolution and the information required by division (D) of 1186
section 133.18 of the Revised Code to the board of elections not 1187
less than ninety days prior to the election. 1188

(4) Notwithstanding division (B) of section 133.21 of the 1189

Revised Code, the first principal payment of securities issued 1190
under this division may be set at any date not later than sixty 1191
months after the earliest possible principal payment otherwise 1192
provided for in that division. 1193

(G) (1) The board of education may contract with an 1194
architect, professional engineer, or other person experienced in 1195
the design and implementation of energy conservation measures 1196
for an analysis and recommendations pertaining to installations, 1197
modifications of installations, or remodeling that would 1198
significantly reduce energy consumption in buildings owned by 1199
the district. The report shall include estimates of all costs of 1200
such installations, modifications, or remodeling, including 1201
costs of design, engineering, installation, maintenance, 1202
repairs, measurement and verification of energy savings, and 1203
debt service, forgone residual value of materials or equipment 1204
replaced by the energy conservation measure, as defined by the 1205
Ohio facilities construction commission, a baseline analysis of 1206
actual energy consumption data for the preceding three years 1207
with the utility baseline based on only the actual energy 1208
consumption data for the preceding twelve months, and estimates 1209
of the amounts by which energy consumption and resultant 1210
operational and maintenance costs, as defined by the commission, 1211
would be reduced. 1212

If the board finds after receiving the report that the 1213
amount of money the district would spend on such installations, 1214
modifications, or remodeling is not likely to exceed the amount 1215
of money it would save in energy and resultant operational and 1216
maintenance costs over the ensuing fifteen years, the board may 1217
submit to the commission a copy of its findings and a request 1218
for approval to incur indebtedness to finance the making or 1219
modification of installations or the remodeling of buildings for 1220

the purpose of significantly reducing energy consumption. 1221

The facilities construction commission, in consultation 1222
with the auditor of state, may deny a request under division (G) 1223
(1) of this section by the board of education of any school 1224
district that is in a state of fiscal watch pursuant to division 1225
(A) of section 3316.03 of the Revised Code, if it determines 1226
that the expenditure of funds is not in the best interest of the 1227
school district. 1228

No district board of education of a school district that 1229
is in a state of fiscal emergency pursuant to division (B) of 1230
section 3316.03 of the Revised Code shall submit a request 1231
without submitting evidence that the installations, 1232
modifications, or remodeling have been approved by the 1233
district's financial planning and supervision commission 1234
established under section 3316.05 of the Revised Code. 1235

No board of education of a school district for which ~~an~~ 1236
~~academic distress commission~~ a school improvement committee has 1237
been established under section 3302.10 of the Revised Code shall 1238
submit a request without first receiving approval to incur 1239
indebtedness from the district's ~~academic distress commission~~ 1240
school improvement committee established under that section, for 1241
so long as such ~~commission~~ committee continues to be required 1242
for the district. 1243

(2) The board of education may contract with a person 1244
experienced in the implementation of student transportation to 1245
produce a report that includes an analysis of and 1246
recommendations for the use of alternative fuel vehicles by 1247
school districts. The report shall include cost estimates 1248
detailing the return on investment over the life of the 1249
alternative fuel vehicles and environmental impact of 1250

alternative fuel vehicles. The report also shall include 1251
estimates of all costs associated with alternative fuel 1252
transportation, including facility modifications and vehicle 1253
purchase costs or conversion costs. 1254

If the board finds after receiving the report that the 1255
amount of money the district would spend on purchasing 1256
alternative fuel vehicles or vehicle conversion is not likely to 1257
exceed the amount of money it would save in fuel and resultant 1258
operational and maintenance costs over the ensuing five years, 1259
the board may submit to the commission a copy of its findings 1260
and a request for approval to incur indebtedness to finance the 1261
purchase of new alternative fuel vehicles or vehicle conversions 1262
for the purpose of reducing fuel costs. 1263

The facilities construction commission, in consultation 1264
with the auditor of state, may deny a request under division (G) 1265
(2) of this section by the board of education of any school 1266
district that is in a state of fiscal watch pursuant to division 1267
(A) of section 3316.03 of the Revised Code, if it determines 1268
that the expenditure of funds is not in the best interest of the 1269
school district. 1270

No district board of education of a school district that 1271
is in a state of fiscal emergency pursuant to division (B) of 1272
section 3316.03 of the Revised Code shall submit a request 1273
without submitting evidence that the purchase or conversion of 1274
alternative fuel vehicles has been approved by the district's 1275
financial planning and supervision commission established under 1276
section 3316.05 of the Revised Code. 1277

No board of education of a school district for which ~~an~~ 1278
~~academic distress commission~~ a school improvement committee has 1279
been established under section 3302.10 of the Revised Code shall 1280

submit a request without first receiving approval to incur 1281
indebtedness from the district's ~~academic distress commission~~ 1282
school improvement committee established under that section, for 1283
so long as such ~~commission~~ committee continues to be required 1284
for the district. 1285

(3) The facilities construction commission shall approve 1286
the board's request provided that the following conditions are 1287
satisfied: 1288

(a) The commission determines that the board's findings 1289
are reasonable. 1290

(b) The request for approval is complete. 1291

(c) If the request was submitted under division (G) (1) of 1292
this section, the installations, modifications, or remodeling 1293
are consistent with any project to construct or acquire 1294
classroom facilities, or to reconstruct or make additions to 1295
existing classroom facilities under sections 3318.01 to 3318.20 1296
or sections 3318.40 to 3318.45 of the Revised Code. 1297

Upon receipt of the commission's approval, the district 1298
may issue securities without a vote of the electors in a 1299
principal amount not to exceed nine-tenths of one per cent of 1300
its tax valuation for the purpose specified in division (G) (1) 1301
or (2) of this section, but the total net indebtedness of the 1302
district without a vote of the electors incurred under this and 1303
all other sections of the Revised Code, except section 3318.052 1304
of the Revised Code, shall not exceed one per cent of the 1305
district's tax valuation. 1306

(4) (a) So long as any securities issued under division (G) 1307
(1) of this section remain outstanding, the board of education 1308
shall monitor the energy consumption and resultant operational 1309

and maintenance costs of buildings in which installations or 1310
modifications have been made or remodeling has been done 1311
pursuant to that division. Except as provided in division (G) (4) 1312
(b) of this section, the board shall maintain and annually 1313
update a report in a form and manner prescribed by the 1314
facilities construction commission documenting the reductions in 1315
energy consumption and resultant operational and maintenance 1316
cost savings attributable to such installations, modifications, 1317
or remodeling. The resultant operational and maintenance cost 1318
savings shall be certified by the school district treasurer. The 1319
report shall be submitted annually to the commission. 1320

(b) If the facilities construction commission verifies 1321
that the certified annual reports submitted to the commission by 1322
a board of education under division (G) (4) (a) of this section 1323
fulfill the guarantee required under division (B) of section 1324
3313.372 of the Revised Code for three consecutive years, the 1325
board of education shall no longer be subject to the annual 1326
reporting requirements of division (G) (4) (a) of this section. 1327

(5) So long as any securities issued under division (G) (2) 1328
of this section remain outstanding, the board of education shall 1329
monitor the purchase of new alternative fuel vehicles or vehicle 1330
conversions pursuant to that division. The board shall maintain 1331
and annually update a report in a form and manner prescribed by 1332
the facilities construction commission documenting the purchase 1333
of new alternative fuel vehicles or vehicle conversions, the 1334
associated environmental impact, and return on investment. The 1335
resultant fuel and operational and maintenance cost savings 1336
shall be certified by the school district treasurer. The report 1337
shall be submitted annually to the commission. 1338

(H) With the consent of the superintendent of public 1339

instruction, a school district may incur without a vote of the 1340
electors net indebtedness that exceeds the amounts stated in 1341
divisions (A) and (G) of this section for the purpose of paying 1342
costs of permanent improvements, if and to the extent that both 1343
of the following conditions are satisfied: 1344

(1) The fiscal officer of the school district estimates 1345
that receipts of the school district from payments made under or 1346
pursuant to agreements entered into pursuant to section 725.02, 1347
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 1348
5709.45, 5709.57, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, 1349
or 5709.82 of the Revised Code, or distributions under division 1350
(C) of section 5709.43 or division (B) of section 5709.47 of the 1351
Revised Code, or any combination thereof, are, after accounting 1352
for any appropriate coverage requirements, sufficient in time 1353
and amount, and are committed by the proceedings, to pay the 1354
debt charges on the securities issued to evidence that 1355
indebtedness and payable from those receipts, and the taxing 1356
authority of the district confirms the fiscal officer's 1357
estimate, which confirmation is approved by the superintendent 1358
of public instruction; 1359

(2) The fiscal officer of the school district certifies, 1360
and the taxing authority of the district confirms, that the 1361
district, at the time of the certification and confirmation, 1362
reasonably expects to have sufficient revenue available for the 1363
purpose of operating such permanent improvements for their 1364
intended purpose upon acquisition or completion thereof, and the 1365
superintendent of public instruction approves the taxing 1366
authority's confirmation. 1367

The maximum maturity of securities issued under division 1368
(H) of this section shall be the lesser of twenty years or the 1369

maximum maturity calculated under section 133.20 of the Revised Code. 1370
1371

(I) A school district may incur net indebtedness by the 1372
issuance of securities in accordance with the provisions of this 1373
chapter in excess of the limit specified in division (B) or (C) 1374
of this section when necessary to raise the school district 1375
portion of the basic project cost and any additional funds 1376
necessary to participate in a project under Chapter 3318. of the 1377
Revised Code, including the cost of items designated by the 1378
facilities construction commission as required locally funded 1379
initiatives, the cost of other locally funded initiatives in an 1380
amount that does not exceed fifty per cent of the district's 1381
portion of the basic project cost, and the cost for site 1382
acquisition. The commission shall notify the superintendent of 1383
public instruction whenever a school district will exceed either 1384
limit pursuant to this division. 1385

(J) A school district whose portion of the basic project 1386
cost of its classroom facilities project under sections 3318.01 1387
to 3318.20 of the Revised Code is greater than or equal to one 1388
hundred million dollars may incur without a vote of the electors 1389
net indebtedness in an amount up to two per cent of its tax 1390
valuation through the issuance of general obligation securities 1391
in order to generate all or part of the amount of its portion of 1392
the basic project cost if the controlling board has approved the 1393
facilities construction commission's conditional approval of the 1394
project under section 3318.04 of the Revised Code. The school 1395
district board and the Ohio facilities construction commission 1396
shall include the dedication of the proceeds of such securities 1397
in the agreement entered into under section 3318.08 of the 1398
Revised Code. No state moneys shall be released for a project to 1399
which this section applies until the proceeds of any bonds 1400

issued under this section that are dedicated for the payment of 1401
the school district portion of the project are first deposited 1402
into the school district's project construction fund. 1403

Sec. 3302.036. (A) Notwithstanding anything in the Revised 1404
Code to the contrary, the department of education shall not 1405
assign an overall letter grade under division (C) (3) of section 1406
3302.03 of the Revised Code for any school district or building 1407
for the 2014-2015, 2015-2016, or 2016-2017 school years, may, at 1408
the discretion of the state board of education, not assign an 1409
individual grade to any component prescribed under division (C) 1410
(3) of section 3302.03 of the Revised Code, and shall not rank 1411
school districts, community schools established under Chapter 1412
3314. of the Revised Code, or STEM schools established under 1413
Chapter 3326. of the Revised Code under section 3302.21 of the 1414
Revised Code for those school years. The report card ratings 1415
issued for the 2014-2015, 2015-2016, or 2016-2017 school years 1416
shall not be considered in determining whether a school district 1417
or a school is subject to sanctions or penalties. However, the 1418
report card ratings of any previous or subsequent years shall be 1419
considered in determining whether a school district or building 1420
is subject to sanctions or penalties. Accordingly, the report 1421
card ratings for the 2014-2015, 2015-2016, or 2016-2017 school 1422
years shall have no effect in determining sanctions or 1423
penalties, but shall not create a new starting point for 1424
determinations that are based on ratings over multiple years. 1425

(B) The provisions from which a district or school is 1426
exempt under division (A) of this section shall be the 1427
following: 1428

(1) Any restructuring provisions established under this 1429
chapter, except as required under the "No Child Left Behind Act 1430

of 2001"; 1431

(2) Provisions for the Columbus city school pilot project 1432
under section 3302.042 of the Revised Code; 1433

(3) Provisions for academic distress commissions under 1434
former section 3302.10 of the Revised Code as it existed prior 1435
~~to the effective date of this amendment~~ October 15, 2015. The 1436
provisions of this section do not apply to academic distress 1437
commissions under the version of that section as it exists on or 1438
~~after the effective date of this amendment~~ October 15, 2015, but 1439
prior to the effective date of this amendment, nor to a school 1440
improvement committee established under the version of that 1441
section as it exists on and after the effective date of this 1442
amendment. 1443

(4) Provisions prescribing new buildings where students 1444
are eligible for the educational choice scholarships under 1445
section 3310.03 of the Revised Code; 1446

(5) Provisions defining "challenged school districts" in 1447
which new start-up community schools may be located, as 1448
prescribed in section 3314.02 of the Revised Code; 1449

(6) Provisions prescribing community school closure 1450
requirements under section 3314.35 or 3314.351 of the Revised 1451
Code. 1452

(C) Notwithstanding anything in the Revised Code to the 1453
contrary and except as provided in Section 3 of H.B. 7 of the 1454
131st general assembly, no school district, community school, or 1455
STEM school shall utilize at any time during a student's 1456
academic career a student's score on any assessment administered 1457
under division (A) of section 3301.0710 or division (B) (2) of 1458
section 3301.0712 of the Revised Code in the 2014-2015, 2015- 1459

2016, or 2016-2017 school ~~year~~years as a factor in any decision 1460
to promote or to deny the student promotion to a higher grade 1461
level or in any decision to grant course credit. No individual 1462
student score reports on such assessments administered in the 1463
2014-2015, 2015-2016, or 2016-2017 school years shall be 1464
released, except to a student's school district or school or to 1465
the student or the student's parent or guardian. 1466

Sec. 3302.042. (A) This section shall operate as a pilot 1467
project that applies to any school that has been ranked 1468
according to performance index score under section 3302.21 of 1469
the Revised Code in the lowest five per cent of all public 1470
school buildings statewide for three or more consecutive school 1471
years and is operated by the Columbus city school district. The 1472
pilot project shall commence once the department of education 1473
establishes implementation guidelines for the pilot project in 1474
consultation with the Columbus city school district. 1475

(B) Except as provided in division (D), (E), or (F) of 1476
this section, if the parents or guardians of at least fifty per 1477
cent of the students enrolled in a school to which this section 1478
applies, or if the parents or guardians of at least fifty per 1479
cent of the total number of students enrolled in that school and 1480
the schools of lower grade levels whose students typically 1481
matriculate into that school, by the thirty-first day of 1482
December of any school year in which the school is subject to 1483
this section, sign and file with the school district treasurer a 1484
petition requesting the district board of education to implement 1485
one of the following reforms in the school, and if the validity 1486
and sufficiency of the petition is certified in accordance with 1487
division (C) of this section, the board shall implement the 1488
requested reform in the next school year: 1489

(1) Reopen the school as a community school under Chapter	1490
3314. of the Revised Code;	1491
(2) Replace at least seventy per cent of the school's	1492
personnel who are related to the school's poor academic	1493
performance or, at the request of the petitioners, retain not	1494
more than thirty per cent of the personnel;	1495
(3) Contract with another school district or a nonprofit	1496
or for-profit entity with a demonstrated record of effectiveness	1497
to operate the school;	1498
(4) Turn operation of the school over to the department;	1499
(5) Any other major restructuring of the school that makes	1500
fundamental reforms in the school's staffing or governance.	1501
(C) Not later than thirty days after receipt of a petition	1502
under division (B) of this section, the district treasurer shall	1503
verify the validity and sufficiency of the signatures on the	1504
petition and certify to the district board whether the petition	1505
contains the necessary number of valid signatures to require the	1506
board to implement the reform requested by the petitioners. If	1507
the treasurer certifies to the district board that the petition	1508
does not contain the necessary number of valid signatures, any	1509
person who signed the petition may file an appeal with the	1510
county auditor within ten days after the certification. Not	1511
later than thirty days after the filing of an appeal, the county	1512
auditor shall conduct an independent verification of the	1513
validity and sufficiency of the signatures on the petition and	1514
certify to the district board whether the petition contains the	1515
necessary number of valid signatures to require the board to	1516
implement the requested reform. If the treasurer or county	1517
auditor certifies that the petition contains the necessary	1518

number of valid signatures, the district board shall notify the 1519
superintendent of public instruction and the state board of 1520
education of the certification. 1521

(D) The district board shall not implement the reform 1522
requested by the petitioners in any of the following 1523
circumstances: 1524

(1) The district board has determined that the request is 1525
for reasons other than improving student academic achievement or 1526
student safety. 1527

(2) The state superintendent has determined that 1528
implementation of the requested reform would not comply with the 1529
model of differentiated accountability described in section 1530
3302.041 of the Revised Code. 1531

(3) The petitioners have requested the district board to 1532
implement the reform described in division (B)(4) of this 1533
section and the department has not agreed to take over the 1534
school's operation. 1535

(4) When all of the following have occurred: 1536

(a) After a public hearing on the matter, the district 1537
board issued a written statement explaining the reasons that it 1538
is unable to implement the requested reform and agreeing to 1539
implement one of the other reforms described in division (B) of 1540
this section. 1541

(b) The district board submitted its written statement to 1542
the state superintendent and the state board along with evidence 1543
showing how the alternative reform the district board has agreed 1544
to implement will enable the school to improve its academic 1545
performance. 1546

(c) Both the state superintendent and the state board have 1547
approved implementation of the alternative reform. 1548

(E) If the provisions of this section conflict in any way 1549
with the requirements of federal law, federal law shall prevail 1550
over the provisions of this section. 1551

(F) If a school is restructured under this section, 1552
section 3302.10, 3302.11, or 3302.12 of the Revised Code, or 1553
federal law, the school shall not be required to restructure 1554
again under state law for three consecutive years after the 1555
implementation of that prior restructuring. 1556

(G) Beginning not later than six months after the first 1557
petition under this section has been resolved, the department of 1558
education shall annually evaluate the pilot program and submit a 1559
report to the general assembly under section 101.68 of the 1560
Revised Code. Such reports shall contain its recommendations to 1561
the general assembly with respect to the continuation of the 1562
pilot program, its expansion to other school districts, or the 1563
enactment of further legislation establishing the program 1564
statewide under permanent law. 1565

Sec. 3302.12. (A) (1) Except as provided in divisions (C) 1566
and (D) of this section, this section applies to a school 1567
building that is ranked according to performance index score 1568
under section 3302.21 of the Revised Code in the lowest five per 1569
cent of public school buildings statewide for three consecutive 1570
years and that meets any combination of the following for three 1571
consecutive years: 1572

(a) The school building is declared to be under an 1573
academic watch or in a state of academic emergency under section 1574
3302.03 of the Revised Code; 1575

(b) The school building that has received a grade of "F" 1576
for the value-added progress dimension under division (A) (1) (e), 1577
(B) (1) (e), or (C) (1) (e) of section 3302.03 of the Revised Code; 1578

(c) The school building that has received an overall grade 1579
of "F" under section 3302.03 of the Revised Code. 1580

(2) In the case of a building to which this section 1581
applies, the district board of education in control of that 1582
building shall do one of the following at the conclusion of the 1583
school year in which the building first becomes subject to this 1584
section: 1585

(a) Close the school and direct the district 1586
superintendent to reassign the students enrolled in the school 1587
to other school buildings that demonstrate higher academic 1588
achievement; 1589

(b) Contract with another school district or a nonprofit 1590
or for-profit entity with a demonstrated record of effectiveness 1591
to operate the school; 1592

(c) Replace the principal and all teaching staff of the 1593
school and, upon request from the new principal, exempt the 1594
school from all requested policies and regulations of the board 1595
regarding curriculum and instruction. The board also shall 1596
distribute funding to the school in an amount that is at least 1597
equal to the product of the per pupil amount of state and local 1598
revenues received by the district multiplied by the student 1599
population of the school. 1600

(d) Reopen the school as a conversion community school 1601
under Chapter 3314. of the Revised Code. 1602

(B) If an action taken by the board under division (A) (2) 1603
of this section causes the district to no longer maintain all 1604

grades kindergarten through twelve, as required by section 1605
3311.29 of the Revised Code, the board shall enter into a 1606
contract with another school district pursuant to section 1607
3327.04 of the Revised Code for enrollment of students in the 1608
schools of that other district to the extent necessary to comply 1609
with the requirement of section 3311.29 of the Revised Code. 1610
Notwithstanding any provision of the Revised Code to the 1611
contrary, if the board enters into and maintains a contract 1612
under section 3327.04 of the Revised Code, the district shall 1613
not be considered to have failed to comply with the requirement 1614
of section 3311.29 of the Revised Code. If, however, the 1615
district board fails to or is unable to enter into or maintain 1616
such a contract, the state board of education shall take all 1617
necessary actions to dissolve the district as provided in 1618
division (A) of section 3311.29 of the Revised Code. 1619

(C) If a particular school is required to restructure 1620
under this section and a petition with respect to that same 1621
school has been filed and verified under divisions (B) and (C) 1622
of section 3302.042 of the Revised Code, the provisions of that 1623
section and the petition filed and verified under it shall 1624
prevail over the provisions of this section and the school shall 1625
be restructured under that section. However, if division (D) (1), 1626
(2), or (3) of section 3302.042 of the Revised Code also applies 1627
to the school, the school shall be subject to restructuring 1628
under this section and not section 3302.042 of the Revised Code. 1629

If the provisions of this section conflict in any way with 1630
the requirements of federal law, federal law shall prevail over 1631
the provisions of this section. 1632

(D) If a school is restructured under this section, 1633
section 3302.042 ~~or~~, 3302.10, or 3302.11 of the Revised Code, or 1634

federal law, the school shall not be required to restructure 1635
again under state law for three consecutive years after the 1636
implementation of that prior restructuring. 1637

Sec. 3302.17. (A) Any school building operated by a city, 1638
exempted village, or local school district, or a community 1639
school established under Chapter 3314. of the Revised Code is 1640
eligible to initiate the community learning center process as 1641
prescribed by this section. 1642

(B) ~~Beginning with the 2015-2016 school year, each~~ Each 1643
district board of education or community school governing 1644
authority may initiate a community learning center process for 1645
any school building ~~to which this section applies~~ in the manner 1646
prescribed by this division. 1647

First, the board or governing authority shall conduct a 1648
public information hearing at each school building to which this 1649
section applies to inform the community of the community 1650
learning center process. The board or governing authority may do 1651
all of the following with regard to the public information 1652
hearing: 1653

(1) Announce the meeting not less than forty-five days in 1654
advance at the school and on the school's or district's web 1655
sites and using tools to ensure effective communication with 1656
individuals with disabilities; 1657

(2) Schedule the meeting for an evening or weekend time; 1658

(3) Provide interpretation services and written materials 1659
in all languages spoken by five per cent or more of the students 1660
enrolled in the school; 1661

(4) Provide child care services for parents attending the 1662
meeting; 1663

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

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

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

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

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

(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 1693
ballots with every student enrolled in the school building. 1694

(D) The board or governing authority shall initiate the 1695
transition of the building to a community learning center if the 1696
results of the election held under division (C) of this section 1697
are as follows: 1698

(1) At least fifty per cent of parents and guardians of 1699
students enrolled in the eligible school building and students 1700
enrolled in a different building operated by a joint vocational 1701
school district but who are entitled to attend the school cast 1702
ballots by a date set by the board or governing authority, and 1703
of those ballots at least sixty-seven per cent are in favor of 1704
initiating the process; and 1705

(2) At least fifty per cent of teachers and nonteaching 1706
employees who are assigned to the school cast ballots by a date 1707
set by the board or governing authority, and of those ballots at 1708
least sixty-seven per cent are in favor of initiating the 1709
process. 1710

(E) If a community learning center process is initiated 1711
under this section, the board or governing authority shall 1712
create a school action team under section 3302.18 of the Revised 1713
Code. Within four months upon selection, the school action team 1714
shall conduct and complete, in consultation with community 1715
partners, a performance audit of the school and review, with 1716
parental input, the needs of the school with regard to 1717
restructuring under section 3302.042, 3302.10, 3302.11, or 1718
3302.12, ~~or 3302.042~~ of the Revised Code, or federal law. 1719

The school action team shall provide quarterly updates of 1720
its work in a public hearing that complies with the same 1721

specifications prescribed in division (B) of this section. 1722

(F) Upon completion of the audit and review, the school 1723
action team shall present its findings at a public hearing that 1724
complies with the same specifications prescribed in division (B) 1725
of this section. After the school action team presents its 1726
findings at the public hearing, it shall create a community 1727
learning center improvement plan that designates appropriate 1728
interventions, which may be based on the recommendations 1729
developed by the department under division (H) (1) (b) of this 1730
section. 1731

If there is a federally mandated school improvement 1732
planning process, the team shall coordinate its work with that 1733
plan. 1734

The school action team shall approve the plan by a 1735
majority vote. 1736

(G) Upon approval of the plan by the school action team, 1737
the team shall submit the community learning center improvement 1738
plan to the same individuals described in division (C) of this 1739
section. Ballots shall be distributed and an election shall be 1740
conducted in the same manner as indicated under that division. 1741

The school action team shall submit the plan to the 1742
district board of education or community school governing 1743
authority, if the results of the election under division (G) of 1744
this section are as follows: 1745

(1) At least thirty per cent of parents and guardians of 1746
students enrolled in the eligible school building and students 1747
enrolled in a different building operated by a joint vocational 1748
school district but who are entitled to attend the school cast 1749
ballots by a date set by the board or governing authority, and 1750

of those ballots at least fifty per cent are in favor of 1751
initiating the process; and 1752

(2) At least thirty per cent of teachers and nonteaching 1753
employees who are assigned to the school cast ballots by a date 1754
set by the board or governing authority, and of those ballots at 1755
least fifty per cent are in favor of initiating the process. 1756

The board or governing authority shall evaluate the plan 1757
and determine whether to adopt it. The board or governing 1758
authority shall adopt the plan in full or adopt portions of the 1759
plan. If the board or governing authority does not adopt the 1760
plan in full, it shall provide a written explanation of why 1761
portions of the plan were rejected. 1762

(H) (1) The department shall do all of the following with 1763
respect to this section: 1764

(a) Adopt rules regarding the elections required under 1765
this section; 1766

(b) Develop appropriate interventions for a community 1767
learning center improvement plan that may be used by a school 1768
action team under division (F) of this section; 1769

(c) Publish a menu of programs and services that may be 1770
offered by community learning centers. The information shall be 1771
posted on the department's web site. To compile this information 1772
the department shall solicit input from resource coordinators of 1773
existing community learning centers. 1774

(d) Provide information regarding implementation of 1775
comprehensive community-based programs and supportive services 1776
including the community learning center model to school 1777
buildings meeting any of the following conditions: 1778

(i) The building is in improvement status as defined by 1779
the "No Child Left Behind Act of 2001" or under an agreement 1780
between the Ohio department of education and the United States 1781
secretary of education. 1782

(ii) The building is a secondary school that is among the 1783
lowest achieving fifteen per cent of secondary schools 1784
statewide, as determined by the department. 1785

(iii) The building is a secondary school with a graduation 1786
rate of sixty per cent or lower for three or more consecutive 1787
years. 1788

(iv) The building is a school that the department 1789
determines is persistently low-performing. 1790

(2) The department may do the following with respect to 1791
this section: 1792

(a) Provide assistance, facilitation, and training to 1793
school action teams in the conducting of the audit required 1794
under this section; 1795

(b) Provide opportunities for members of school action 1796
teams from different schools to share school improvement 1797
strategies with parents, teachers, and other relevant 1798
stakeholders in higher performing schools; 1799

(c) Provide financial support in a school action team's 1800
planning process and create a grant program to assist in the 1801
implementation of a qualified community learning center plan. 1802

(I) Notwithstanding any provision to the contrary in 1803
Chapter 4117. of the Revised Code, the requirements of this 1804
section prevail over any conflicting provisions of a collective 1805
bargaining agreement entered into on or after ~~the effective date~~ 1806

~~of this section~~ October 15, 2015. However, the board or 1807
governing authority and the teachers' labor organization may 1808
negotiate additional factors to be considered in the adoption of 1809
a community learning center plan. 1810

Sec. 3310.03. A student is an "eligible student" for 1811
purposes of the educational choice scholarship pilot program if 1812
the student's resident district is not a school district in 1813
which the pilot project scholarship program is operating under 1814
sections 3313.974 to 3313.979 of the Revised Code and the 1815
student satisfies one of the conditions in division (A), (B), 1816
(C), (D), or (E) of this section: 1817

(A) (1) The student is enrolled in a school building 1818
operated by the student's resident district that, on the report 1819
card issued under section 3302.03 of the Revised Code published 1820
prior to the first day of July of the school year for which a 1821
scholarship is sought, did not receive a rating as described in 1822
division (I) of this section, and to which any or a combination 1823
of any of the following apply for two of the three most recent 1824
report cards published prior to the first day of July of the 1825
school year for which a scholarship is sought: 1826

(a) The building was declared to be in a state of academic 1827
emergency or academic watch under section 3302.03 of the Revised 1828
Code as that section existed prior to March 22, 2013. 1829

(b) The building received a grade of "D" or "F" for the 1830
performance index score under division (A) (1) (b) or (B) (1) (b) of 1831
section 3302.03 of the Revised Code and for the value-added 1832
progress dimension under division (A) (1) (e) or (B) (1) (e) of 1833
section 3302.03 of the Revised Code for the 2012-2013, 2013- 1834
2014, 2014-2015, or 2015-2016 school year; or if the building 1835
serves only grades ten through twelve, the building received a 1836

grade of "D" or "F" for the performance index score under 1837
division (A) (1) (b) or (B) (1) (b) of section 3302.03 of the 1838
Revised Code and had a four-year adjusted cohort graduation rate 1839
of less than seventy-five per cent. 1840

(c) The building received an overall grade of "D" or "F" 1841
under division (C) (3) of section 3302.03 of the Revised Code or 1842
a grade of "F" for the value-added progress dimension under 1843
division (C) (1) (e) of section 3302.03 of the Revised Code for 1844
the 2016-2017 school year or any school year thereafter. 1845

(2) The student will be enrolling in any of grades 1846
kindergarten through twelve in this state for the first time in 1847
the school year for which a scholarship is sought, will be at 1848
least five years of age by the first day of January of the 1849
school year for which a scholarship is sought, and otherwise 1850
would be assigned under section 3319.01 of the Revised Code in 1851
the school year for which a scholarship is sought, to a school 1852
building described in division (A) (1) of this section. 1853

(3) The student is enrolled in a community school 1854
established under Chapter 3314. of the Revised Code but 1855
otherwise would be assigned under section 3319.01 of the Revised 1856
Code to a building described in division (A) (1) of this section. 1857

(4) The student is enrolled in a school building operated 1858
by the student's resident district or in a community school 1859
established under Chapter 3314. of the Revised Code and 1860
otherwise would be assigned under section 3319.01 of the Revised 1861
Code to a school building described in division (A) (1) of this 1862
section in the school year for which the scholarship is sought. 1863

(5) The student will be both enrolling in any of grades 1864
kindergarten through twelve in this state for the first time and 1865

at least five years of age by the first day of January of the 1866
school year for which a scholarship is sought, or is enrolled in 1867
a community school established under Chapter 3314. of the 1868
Revised Code, and all of the following apply to the student's 1869
resident district: 1870

(a) The district has in force an intradistrict open 1871
enrollment policy under which no student in the student's grade 1872
level is automatically assigned to a particular school building; 1873

(b) In the most recent rating published prior to the first 1874
day of July of the school year for which scholarship is sought, 1875
the district did not receive a rating described in division (I) 1876
of this section, and in at least two of the three most recent 1877
report cards published prior to the first day of July of that 1878
school year, any or a combination of the following apply to the 1879
district: 1880

(i) The district was declared to be in a state of academic 1881
emergency under section 3302.03 of the Revised Code as it 1882
existed prior to March 22, 2013. 1883

(ii) The district received a grade of "D" or "F" for the 1884
performance index score under division (A) (1) (b) or (B) (1) (b) of 1885
section 3302.03 of the Revised Code and for the value-added 1886
progress dimension under division (A) (1) (e) or (B) (1) (e) of 1887
section 3302.03 of the Revised Code for the 2012-2013, 2013- 1888
2014, 2014-2015, or 2015-2016 school year. 1889

(c) The district received an overall grade of "D" or "F" 1890
under division (C) (3) of section 3302.03 of the Revised Code or 1891
a grade of "F" for the value-added progress dimension under 1892
division (C) (1) (e) of section 3302.03 of the Revised Code for 1893
the 2016-2017 school year or any school year thereafter. 1894

(6) Beginning in the 2019-2020 school year, the student 1895
meets both of the following conditions: 1896

(a) The student was enrolled in a public or nonpublic 1897
school or was homeschooled in the prior school year and 1898
completed any of grades eight through eleven in that school 1899
year. 1900

(b) The student would be assigned to a building in the 1901
school year for which the scholarship is sought that either: 1902

(i) Serves any of grades nine through twelve and that 1903
received a grade of "D" or "F" for the four-year adjusted cohort 1904
graduation rate under division (A) (1) (d), (B) (1) (d), or (C) (1) 1905
(d) of section 3302.03 of the Revised Code in two of the three 1906
most recent report cards published prior to the first day of 1907
July of the school year for which a scholarship is sought; 1908

(ii) Is a building described in division (A) (1) of this 1909
section. 1910

Any student who was awarded a scholarship under division 1911
(A) (6) of this section as it existed prior to the effective date 1912
of this amendment may continue to receive scholarships in 1913
subsequent school years until the student completes grade 1914
twelve, as long as the student meets the criteria prescribed by 1915
division (F) of this section. 1916

(B) (1) The student is enrolled in a school building 1917
operated by the student's resident district and to which both of 1918
the following apply: 1919

(a) The building was ranked, for at least two of the three 1920
most recent rankings prior to the first day of July of the 1921
school year for which a scholarship is sought, in the lowest ten 1922
per cent of all buildings operated by city, local, and exempted 1923

village school districts according to performance index score as 1924
determined by the department of education. 1925

(b) The building was not declared to be excellent or 1926
effective, or the equivalent of such ratings as determined by 1927
the department, under section 3302.03 of the Revised Code in the 1928
most recent rating published prior to the first day of July of 1929
the school year for which a scholarship is sought. 1930

(2) The student will be enrolling in any of grades 1931
kindergarten through twelve in this state for the first time in 1932
the school year for which a scholarship is sought, will be at 1933
least five years of age, as defined in section 3321.01 of the 1934
Revised Code, by the first day of January of the school year for 1935
which a scholarship is sought, and otherwise would be assigned 1936
under section 3319.01 of the Revised Code in the school year for 1937
which a scholarship is sought, to a school building described in 1938
division (B) (1) of this section. 1939

(3) The student is enrolled in a community school 1940
established under Chapter 3314. of the Revised Code but 1941
otherwise would be assigned under section 3319.01 of the Revised 1942
Code to a building described in division (B) (1) of this section. 1943

(4) The student is enrolled in a school building operated 1944
by the student's resident district or in a community school 1945
established under Chapter 3314. of the Revised Code and 1946
otherwise would be assigned under section 3319.01 of the Revised 1947
Code to a school building described in division (B) (1) of this 1948
section in the school year for which the scholarship is sought. 1949

(C) The student is enrolled in a nonpublic school at the 1950
time the school is granted a charter by the state board of 1951
education under section 3301.16 of the Revised Code and the 1952

student meets the standards of division (B) of section 3310.031 1953
of the Revised Code. 1954

(D) For the 2016-2017 school year and each school year 1955
thereafter, the student is in any of grades kindergarten through 1956
three, is enrolled in a school building that is operated by the 1957
student's resident district or will be enrolling in any of 1958
grades kindergarten through twelve in this state for the first 1959
time in the school year for which a scholarship is sought, and 1960
to which both of the following apply: 1961

(1) The building, in at least two of the three most recent 1962
ratings of school buildings published prior to the first day of 1963
July of the school year for which a scholarship is sought, 1964
received a grade of "D" or "F" for making progress in improving 1965
literacy in grades kindergarten through three under division (B) 1966
(1) (g) or (C) (1) (g) of section 3302.03 of the Revised Code; 1967

(2) The building did not receive a grade of "A" for making 1968
progress in improving literacy in grades kindergarten through 1969
three under division (B) (1) (g) or (C) (1) (g) of section 3302.03 1970
of the Revised Code in the most recent rating published prior to 1971
the first day of July of the school year for which a scholarship 1972
is sought. 1973

(E) The student's resident district is subject to section 1974
3302.10 of the Revised Code and the student either: 1975

(1) Is enrolled in a school building operated by the 1976
resident district or in a community school established under 1977
Chapter 3314. of the Revised Code; 1978

(2) Will be both enrolling in any of grades kindergarten 1979
through twelve in this state for the first time and at least 1980
five years of age by the first day of January of the school year 1981

for which a scholarship is sought. 1982

(F) A student who receives a scholarship under the 1983
educational choice scholarship pilot program remains an eligible 1984
student and may continue to receive scholarships in subsequent 1985
school years until the student completes grade twelve, so long 1986
as all of the following apply: 1987

(1) The student's resident district remains the same, or 1988
the student transfers to a new resident district and otherwise 1989
would be assigned in the new resident district to a school 1990
building described in division (A) (1), (B) (1), (D), or (E) of 1991
this section. 1992

(2) Except as provided in divisions (K) (1) and (L) of 1993
section 3301.0711 of the Revised Code, the student takes each 1994
assessment prescribed for the student's grade level under 1995
section 3301.0710 or 3301.0712 of the Revised Code while 1996
enrolled in a chartered nonpublic school. 1997

(3) In each school year that the student is enrolled in a 1998
chartered nonpublic school, the student is absent from school 1999
for not more than twenty days that the school is open for 2000
instruction, not including excused absences. 2001

(G) (1) The department shall cease awarding first-time 2002
scholarships pursuant to divisions (A) (1) to (4) of this section 2003
with respect to a school building that, in the most recent 2004
ratings of school buildings published under section 3302.03 of 2005
the Revised Code prior to the first day of July of the school 2006
year, ceases to meet the criteria in division (A) (1) of this 2007
section. The department shall cease awarding first-time 2008
scholarships pursuant to division (A) (5) of this section with 2009
respect to a school district that, in the most recent ratings of 2010

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 section 3302.10 of the Revised Code when the academic distress commission or school improvement committee 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 2040
meets any of the following in the most recent rating under 2041
section 3302.03 of the Revised Code published prior to the first 2042
day of July of the school year for which a scholarship is 2043
sought: 2044

(a) The building has an overall designation of excellent 2045
or effective under section 3302.03 of the Revised Code as it 2046
existed prior to March 22, 2013. 2047

(b) For the 2012-2013, 2013-2014, 2014-2015, or 2015-2016 2048
school year, the building has a grade of "A" or "B" for the 2049
performance index score under division (A) (1) (b) or (B) (1) (b) of 2050
section 3302.03 of the Revised Code and for the value-added 2051
progress dimension under division (A) (1) (e) or (B) (1) (e) of 2052
section 3302.03 of the Revised Code; or if the building serves 2053
only grades ten through twelve, the building received a grade of 2054
"A" or "B" for the performance index score under division (A) (1) 2055
(b) or (B) (1) (b) of section 3302.03 of the Revised Code and had 2056
a four-year adjusted cohort graduation rate of greater than or 2057
equal to seventy-five per cent. 2058

(c) For the 2016-2017 school year or any school year 2059
thereafter, the building has a grade of "A" or "B" under 2060
division (C) (3) of section 3302.03 of the Revised Code and a 2061
grade of "A" for the value-added progress dimension under 2062
division (C) (1) (e) of section 3302.03 of the Revised Code; or if 2063
the building serves only grades ten through twelve, the building 2064
received a grade of "A" or "B" for the performance index score 2065
under division (C) (1) (b) of section 3302.03 of the Revised Code 2066
and had a four-year adjusted cohort graduation rate of greater 2067
than or equal to seventy-five per cent. 2068

(2) A student who satisfies only the conditions prescribed 2069

in division (A) (5) of this section shall not be eligible for a 2070
scholarship if the student's resident district meets any of the 2071
following in the most recent rating under section 3302.03 of the 2072
Revised Code published prior to the first day of July of the 2073
school year for which a scholarship is sought: 2074

(a) The district has an overall designation of excellent 2075
or effective under section 3302.03 of the Revised Code as it 2076
existed prior to March 22, 2013. 2077

(b) The district has a grade of "A" or "B" for the 2078
performance index score under division (A) (1) (b) or (B) (1) (b) of 2079
section 3302.03 of the Revised Code and for the value-added 2080
progress dimension under division (A) (1) (e) or (B) (1) (e) of 2081
section 3302.03 of the Revised Code for the 2012-2013, 2013- 2082
2014, 2014-2015, and 2015-2016 school years. 2083

(c) The district has an overall grade of "A" or "B" under 2084
division (C) (3) of section 3302.03 of the Revised Code and a 2085
grade of "A" for the value-added progress dimension under 2086
division (C) (1) (e) of section 3302.03 of the Revised Code for 2087
the 2016-2017 school year or any school year thereafter. 2088

Sec. 3314.102. (A) As used in this section: 2089

(1) "~~Chief executive officer~~Director" means a ~~chief-~~ 2090
~~executive officer-director~~ appointed by ~~an academic distress-~~ 2091
~~commission~~ a school improvement committee pursuant to section 2092
3302.10 of the Revised Code. 2093

(2) "Municipal school district" and "mayor" have the same 2094
meanings as in section 3311.71 of the Revised Code. 2095

(B) Notwithstanding section 3314.10 and sections 4117.03 2096
to 4117.18 of the Revised Code and Section 4 of Amended 2097
Substitute Senate Bill No. 133 of the 115th general assembly, 2098

the employees of a conversion community school that is sponsored 2099
by the board of education of a municipal school district or a 2100
school district for which ~~an academic distress commission a~~ 2101
school improvement committee has been established under section 2102
3302.10 of the Revised Code shall cease to be subject to any 2103
future collective bargaining agreement, if the mayor or ~~chief-~~ 2104
~~executive officer~~ director submits to the board of education 2105
sponsoring the school and to the state employment relations 2106
board a statement requesting that all employees of the community 2107
school be removed from a collective bargaining unit. The 2108
employees of the community school who are covered by a 2109
collective bargaining agreement in effect on the date the mayor 2110
or ~~chief executive officer~~ director submits the statement shall 2111
remain subject to that collective bargaining agreement until the 2112
collective bargaining agreement expires on its terms. Upon 2113
expiration of that collective bargaining agreement, the 2114
employees of that school are not subject to Chapter 4117. of the 2115
Revised Code and may not organize or collectively bargain 2116
pursuant to that chapter. 2117

Section 4. That existing sections 133.06, 3302.036, 2118
3302.042, 3302.12, 3302.17, 3310.03, and 3314.102 of the Revised 2119
Code are hereby repealed. 2120

Section 5. (A) The Department of Education shall conduct a 2121
review of current state and federal processes and programs for 2122
school and school district improvement in Ohio. The review shall 2123
identify federal resources allocated for school improvement. The 2124
Department then shall create a plan that collaboratively and 2125
more efficiently allocates state and federal funding for school 2126
and school district improvement. 2127

(B) The Superintendent of Public Instruction shall present 2128

the findings of the review and the plan created under this 2129
section to the standing committees of the House of 2130
Representatives and the Senate that consider primary and 2131
secondary education legislation not later than January 31, 2020. 2132

Section 6. That Sections 265.10, 265.210, 265.337, and 2133
289.10 of Am. Sub. H.B. 166 of the 133rd General Assembly be 2134
amended to read as follows: 2135

Sec. 265.10. 2136

2137

1	2	3	4	5
A	EDU DEPARTMENT OF EDUCATION			
B	General Revenue Fund			
C	GRF	200321	Operating Expenses	\$ 15,153,032 \$ 16,565,951
D	GRF	200408	Early Childhood Education	\$ 68,116,789 \$ 68,116,789
E	GRF	200420	Information Technology Development and Support	\$ 4,004,299 \$ 4,026,960
F	GRF	200422	School Management Assistance	\$ 2,385,580 \$ 2,408,711
G	GRF	200424	Policy Analysis	\$ 458,232 \$ 457,676
H	GRF	200426	Ohio Educational	\$ 15,457,000 \$ 15,457,000

Computer Network

I	GRF	200427	Academic Standards	\$	4,434,215	\$	4,483,525
J	GRF	200437	Student Assessment	\$	56,906,893	\$	56,948,365
K	GRF	200439	Accountability/ Report Cards	\$	7,517,406	\$	7,565,320
L	GRF	200442	Child Care Licensing	\$	2,156,322	\$	2,227,153
M	GRF	200446	Education Management Information System	\$	8,112,987	\$	8,174,415
N	GRF	200448	Educator Preparation	\$	11,785,384	\$	7,285,384
O	GRF	200455	Community Schools and Choice Programs	\$	4,867,763	\$	4,912,546
P	GRF	200465	Education Technology Resources	\$	5,179,664	\$	5,179,664
Q	GRF	200478	Industry-Recognized Credentials High School Students	\$	25,000,000	\$	25,000,000
R	GRF	200502	Pupil Transportation	\$	527,129,809	\$	527,129,809
S	GRF	200505	School Lunch Match	\$	8,963,500	\$	8,963,500
T	GRF	200511	Auxiliary Services	\$	154,939,134	\$	154,939,134
U	GRF	200532	Nonpublic Administrative Cost Reimbursement	\$	69,997,735	\$	69,997,735

V	GRF	200540	Special Education Enhancements	\$	152,600,000	\$	152,850,000
W	GRF	200545	Career-Technical Education Enhancements	\$	9,750,892	\$	9,750,892
X	GRF	200550	Foundation Funding	\$	6,942,880,845	\$	6,774,618,845
Y	GRF	200566	Literacy Improvement	\$	1,452,876	\$	1,452,172
Z	GRF	200572	Adult Education Programs	\$	10,207,674	\$	10,207,674
AA	GRF	200573	EdChoice Expansion	\$	57,223,340	\$	121,017,418
AB	GRF	200574	Half-Mill Maintenance Equalization	\$	18,849,207	\$	18,128,526
AC	GRF	200576	Adaptive Sports Program	\$	250,000	\$	250,000
AD	GRF	200597	Program and Project Support	\$	1,125,000	\$	625,000
AE	GRF	657401	Medicaid in Schools	\$	297,978	\$	297,978
AF	TOTAL GRF		General Revenue Fund	\$	8,187,203,556	\$	8,079,038,142
AG			Dedicated Purpose Fund Group				
AH	4520	200638	Charges and Reimbursements	\$	1,000,000	\$	1,000,000

AI	4550	200608	Commodity Foods	\$	1,000,000	\$	1,000,000
AJ	4L20	200681	Teacher Certification and Licensure	\$	13,795,827	\$	14,000,000
AK	5980	200659	Auxiliary Services Reimbursement	\$	1,300,000	\$	1,300,000
AL	5H30	200687	School District Solvency Assistance	\$	2,000,000	\$	2,000,000
AM	5KX0	200691	Ohio School Sponsorship Program	\$	1,250,000	\$	1,250,000
AN	5MM0	200677	Child Nutrition Refunds	\$	550,000	\$	550,000
AO	5U20	200685	National Education Statistics	\$	170,675	\$	175,000
AP	5VS0	200604	Student Wellness and Success	\$	275,000,000	\$	400,000,000
AQ	5VU0	200663	School Bus Purchase	\$	0	\$	20,000,000
AR	6200	200615	Educational Improvement Grants	\$	594,443	\$	600,000
AS	TOTAL	DPF	Dedicated Purpose Fund Group	\$	296,660,945	\$	441,875,000
AT	Internal Service Activity Fund Group						

AU 1380	200606	Information Technology Development and Support	\$	7,939,104	\$	8,047,645
AV 4R70	200695	Indirect Operational Support	\$	7,856,766	\$	7,856,766
AW 4V70	200633	Interagency Program Support	\$	5,497,938	\$	5,500,000
AX TOTAL	ISA	Internal Service Activity Fund Group	\$	21,293,808	\$	21,404,411
AY	State Lottery Fund Group					
AZ 7017	200602	School Climate Grants	\$	2,000,000	\$	2,000,000
BA 7017	200612	Foundation Funding	\$	1,081,400,000	\$	1,249,900,000
BB 7017	200614	Accelerate Great Schools	\$	1,500,000	\$	1,500,000
BC 7017	200631	Quality Community Schools Support	\$	30,000,000	\$	30,000,000
BD 7017	200636	Enrollment Growth Supplement	\$	15,500,000	\$	23,000,000
BE <u>7017</u>	<u>200647</u>	<u>School Improvement</u>	<u>\$</u>	<u>10,000,000</u>	<u>\$</u>	<u>25,000,000</u>
BF 7017	200684	Community School Facilities	\$	20,600,000	\$	20,600,000

BG	TOTAL SLF State Lottery Fund	\$	1,151,000,000	\$	1,327,000,000
	Group		<u>1,161,000,000</u>		<u>1,352,000,000</u>
BH	Federal Fund Group				
BI	3670 200607 School Food Services	\$	11,469,730	\$	11,897,473
BJ	3700 200624 Education of Exceptional Children	\$	2,000,000	\$	2,000,000
BK	3AF0 657601 Schools Medicaid Administrative Claims	\$	295,500	\$	295,500
BL	3AN0 200671 School Improvement Grants	\$	17,000,000	\$	17,000,000
BM	3C50 200661 Early Childhood Education	\$	12,555,000	\$	12,555,000
BN	3EH0 200620 Migrant Education	\$	2,700,000	\$	2,700,000
BO	3EJ0 200622 Homeless Children Education	\$	3,295,203	\$	3,300,000
BP	3FE0 200669 Striving Readers	\$	12,507,905	\$	12,511,000
BQ	3GE0 200674 Summer Food Service Program	\$	15,599,467	\$	16,342,299
BR	3GG0 200676 Fresh Fruit and Vegetable Program	\$	4,911,207	\$	5,145,074
BS	3HF0 200649 Federal Education	\$	7,049,677	\$	7,056,327

Grants

BT	3HI0	200634	Student Support and Academic Enrichment	\$	40,042,720	\$	40,042,720
BU	3L60	200617	Federal School Lunch	\$	418,643,500	\$	430,837,000
BV	3L70	200618	Federal School Breakfast	\$	158,726,966	\$	163,350,081
BW	3L80	200619	Child/Adult Food Programs	\$	110,121,168	\$	113,328,580
BX	3L90	200621	Career-Technical Education Basic Grant	\$	45,946,927	\$	46,000,000
BY	3M00	200623	ESEA Title 1A	\$	600,000,000	\$	600,000,000
BZ	3M20	200680	Individuals with Disabilities Education Act	\$	454,770,591	\$	455,000,000
CA	3T40	200613	Public Charter Schools	\$	7,000,000	\$	7,000,000
CB	3Y20	200688	21st Century Community Learning Centers	\$	47,500,000	\$	47,500,000
CC	3Y60	200635	Improving Teacher Quality	\$	85,000,000	\$	85,000,000
CD	3Y70	200689	English Language	\$	10,500,000	\$	10,500,000

	Acquisition		
CE 3Y80 200639	Rural and Low Income	\$ 3,600,000	\$ 3,600,000
	Technical Assistance		
CF 3Z20 200690	State Assessments	\$ 12,000,000	\$ 12,000,000
CG 3Z30 200645	Consolidated Federal	\$ 10,701,635	\$ 10,900,000
	Grant Administration		
CH TOTAL FED	Federal Fund Group	\$ 2,093,937,196	\$ 2,115,861,054
CI TOTAL ALL BUDGET FUND GROUPS		\$ 11,750,095,505	\$ 11,985,178,607
		<u>11,760,095,505</u>	<u>12,010,178,607</u>

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Sec. 265.210. FOUNDATION FUNDING

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Of the foregoing appropriation item 200550, Foundation
 Funding, up to \$40,000,000 in each fiscal year shall be used to
 provide additional state aid to school districts, joint
 vocational school districts, community schools, and STEM schools
 for special education students under division (C) (3) of section
 3314.08, section 3317.0214 and division (B) of section 3317.16
 in accordance with the section of this act entitled "OPERATING
 FUNDING FOR FISCAL YEARS 2020 and 2021," and section 3326.34 of
 the Revised Code, except that the Controlling Board may increase
 these amounts if presented with such a request from the
 Department of Education at the final meeting of the fiscal year.

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Of the foregoing appropriation item 200550, Foundation
 Funding, up to \$3,800,000 in each fiscal year shall be used to
 fund gifted education at educational service centers. The
 Department shall distribute the funding through the unit-based

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funding methodology in place under division (L) of section 2155
3317.024, division (E) of section 3317.05, and divisions (A), 2156
(B), and (C) of section 3317.053 of the Revised Code as they 2157
existed prior to fiscal year 2010. 2158

Of the foregoing appropriation item 200550, Foundation 2159
Funding, up to \$40,000,000 in each fiscal year shall be reserved 2160
to fund the state reimbursement of educational service centers 2161
under the section of this act entitled "EDUCATIONAL SERVICE 2162
CENTERS FUNDING." 2163

Of the foregoing appropriation item 200550, Foundation 2164
Funding, up to \$3,500,000 in each fiscal year shall be 2165
distributed to educational service centers for School 2166
Improvement Initiatives and for the provision of technical 2167
assistance to schools and districts consistent with requirements 2168
of section 3312.01 of the Revised Code. The Department may 2169
distribute these funds through a competitive grant process. 2170

Of the foregoing appropriation item 200550, Foundation 2171
Funding, up to \$7,000,000 in each fiscal year shall be reserved 2172
for payments under section 3317.029 of the Revised Code, in 2173
accordance with the section of this act entitled "OPERATING 2174
FUNDING FOR FISCAL YEARS 2020 and 2021." If this amount is not 2175
sufficient, the Superintendent of Public Instruction may 2176
reallocate excess funds for other purposes supported by this 2177
appropriation item in order to fully pay the amounts required by 2178
that section, provided that the aggregate amount appropriated in 2179
appropriation item 200550, Foundation Funding, is not exceeded. 2180

Of the foregoing appropriation item 200550, Foundation 2181
Funding, up to \$26,400,000 in each fiscal year shall be used to 2182
support school choice programs. 2183

Of the portion of the funds distributed to the Cleveland
Municipal School District under this section, up to \$23,501,887
in each fiscal year shall be used to operate the school choice
program in the Cleveland Municipal School District under
sections 3313.974 to 3313.979 of the Revised Code.
Notwithstanding divisions (B) and (C) of section 3313.978 and
division (C) of section 3313.979 of the Revised Code, up to
\$1,000,000 in each fiscal year of this amount shall be used by
the Cleveland Municipal School District to provide tutorial
assistance as provided in division (H) of section 3313.974 of
the Revised Code. The Cleveland Municipal School District shall
report the use of these funds in the district's three-year
continuous improvement plan as described in section 3302.04 of
the Revised Code in a manner approved by the Department.

Of the foregoing appropriation item 200550, Foundation
Funding, up to \$2,000,000 in each fiscal year may be used for
payment of the College Credit Plus Program for students
instructed at home pursuant to section 3321.04 of the Revised
Code. An amount equal to the unexpended, unencumbered balance of
this earmark at the end of fiscal year 2020 is hereby
reappropriated for the same purpose for fiscal year 2021.

Of the foregoing appropriation item 200550, Foundation
Funding, an amount shall be available in each fiscal year to be
paid to joint vocational school districts in accordance with the
section of this act entitled "FUNDING FOR JOINT VOCATIONAL
SCHOOL DISTRICTS."

Of the foregoing appropriation item 200550, Foundation
Funding, up to \$700,000 in each fiscal year shall be used by the
Department for a program to pay for educational services for
youth who have been assigned by a juvenile court or other

authorized agency to any of the facilities described in division 2214
(A) of the section of this act entitled "PRIVATE TREATMENT 2215
FACILITY PROJECT." 2216

Of the foregoing appropriation item 200550, Foundation 2217
Funding, a portion may be used to pay college-preparatory 2218
boarding schools the per pupil boarding amount pursuant to 2219
section 3328.34 of the Revised Code. 2220

Of the foregoing appropriation item 200550, Foundation 2221
Funding, a portion in each fiscal year shall be used to pay 2222
community schools and STEM schools the amounts calculated for 2223
the graduation and third-grade reading bonuses under sections 2224
3314.085 and 3326.41 of the Revised Code, in accordance with the 2225
sections of this act entitled "FUNDING FOR COMMUNITY SCHOOLS" 2226
and "FUNDING FOR STEM SCHOOLS." 2227

Of the foregoing appropriation item 200550, Foundation 2228
Funding, up to \$1,172,000 in fiscal year 2020 ~~and up to~~ 2229
~~\$1,760,000 in fiscal year 2021~~ may be used by the Department for 2230
duties and activities related to the establishment of academic 2231
distress commissions under section 3302.10 of the Revised Code, 2232
as that section existed prior to the effective date of its 2233
amendment by H.B. 154 of the 133rd General Assembly, to provide 2234
support and assistance to academic distress commissions to 2235
further their duties ~~under Chapter 3302. of the Revised Code,~~ 2236
and to provide technical assistance and tools to support 2237
districts subject to academic distress commissions. 2238

Of the foregoing appropriation item 200550, Foundation 2239
Funding, up to \$1,760,000 in fiscal year 2021 may be used by the 2240
Department for duties and activities related to the 2241
establishment of school improvement committees under section 2242
3302.10 of the Revised Code, as amended by H.B. 154 of the 133rd 2243

General Assembly, to provide support and assistance to school 2244
improvement committees to further their duties, and to provide 2245
technical assistance and tools to support districts subject to 2246
school improvement committees. 2247

Of the foregoing appropriation item 200550, Foundation 2248
Funding, up to \$350,000 in fiscal year 2020 shall be used by the 2249
Department of Education to conduct return on investment studies 2250
for programming funded through student success and wellness 2251
funds and to provide technical assistance to school districts on 2252
implementing these strategies. 2253

Of the foregoing appropriation item 200550, Foundation 2254
Funding, up to \$100,000 in each fiscal year shall be used to 2255
make payments under section 3314.06 of the Revised Code to each 2256
community school that operates a program that uses the 2257
Montessori method endorsed by the American Montessori society, 2258
the Montessori Accreditation Council for Teacher Education, or 2259
the Association Montessori Internationale as its primary method 2260
of instruction for students younger than four years of age who 2261
are enrolled in the school. 2262

The remainder of the foregoing appropriation item 200550, 2263
Foundation Funding, shall be used to fund the payments included 2264
in the state funding allocation under division (A) (1) of the 2265
section of this act entitled "FUNDING FOR CITY, LOCAL, AND 2266
EXEMPTED VILLAGE SCHOOL DISTRICTS." 2267

Appropriation items 200502, Pupil Transportation, 200540, 2268
Special Education Enhancements, and 200550, Foundation Funding, 2269
other than specific set-asides, are collectively used in each 2270
fiscal year to pay state formula aid obligations for school 2271
districts, community schools, STEM schools, college preparatory 2272
boarding schools, and joint vocational school districts under 2273

this act. The first priority of these appropriation items, with 2274
the exception of specific set-asides, is to fund state formula 2275
aid obligations. It may be necessary to reallocate funds among 2276
these appropriation items or use excess funds from other general 2277
revenue fund appropriation items in the Department of 2278
Education's budget, including appropriation item 200903, 2279
Property Tax Reimbursement - Education, in each fiscal year in 2280
order to meet state formula aid obligations. If it is determined 2281
that it is necessary to transfer funds among these appropriation 2282
items or to transfer funds from other General Revenue Fund 2283
appropriations in the Department's budget to meet state formula 2284
aid obligations, the Superintendent of Public Instruction shall 2285
seek approval from the Director of Budget and Management to 2286
transfer funds as needed. 2287

The Superintendent of Public Instruction shall make 2288
payments, transfers, and deductions, as authorized by Title 2289
XXXVIII of the Revised Code in amounts substantially equal to 2290
those made in the prior year, or otherwise, at the discretion of 2291
the Superintendent, until at least the effective date of the 2292
amendments and enactments made to Title XXXVIII by this act. Any 2293
funds paid to districts or schools under this section shall be 2294
credited toward the annual funds calculated for the district or 2295
school after the changes made to Title XXXVIII in this act are 2296
effective. Upon the effective date of changes made to Title 2297
XXXVIII in this act, funds shall be calculated as an annual 2298
amount. 2299

Sec. 265.337. ENROLLMENT GROWTH SUPPLEMENT 2300

The foregoing appropriation item 200636, Enrollment Growth 2301
Supplement, shall be used to fund the payments included in the 2302
state funding allocation under division (B) of the section of 2303

this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 2304
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SCHOOL IMPROVEMENT 2306

The foregoing appropriation item 200647, School Improvement, shall be used to support the Department's share of the cost of each contract between a school district and a school improvement expert or organization, as prescribed in division (C) of section 3301.281 of the Revised Code, and the cost of root cause analyses conducted pursuant to section 3301.283 of the Revised Code. Priority shall be given to funding districts currently subject to an academic distress commission or school improvement committee. An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 200647, School Improvement, at the end of fiscal year 2020 is hereby reappropriated for the same purpose for fiscal year 2021. 2307
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Sec. 289.10. 2319
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A			GOV OFFICE OF THE GOVERNOR		
B			General Revenue Fund		
C	GRF	040321	Operating Expenses	\$ 2,914,740	\$ 2,973,034
				<u>3,264,740</u>	<u>3,323,034</u>
D	TOTAL GRF		General Revenue Fund	\$ 2,914,740	\$ 2,973,034
				<u>3,264,740</u>	<u>3,323,034</u>

E	Internal Service Activity Fund Group				
F	5AK0 040607 Government Relations	\$	613,870	\$	619,988
G	TOTAL ISA Internal Service Activity Fund Group	\$	613,870	\$	619,988
H	TOTAL ALL BUDGET FUND GROUPS	\$	3,528,610 <u>3,878,610</u>	\$	3,593,022 <u>3,943,022</u>

OPERATING EXPENSES 2322

Of the foregoing appropriation item 040321, Operating 2323
Expenses, up to \$350,000 in each fiscal year shall be used to 2324
support the operating costs of the School Transformation Board 2325
created in section 3301.28 of the Revised Code. An amount equal 2326
to the unexpended, unencumbered balance of the amount 2327
appropriated in this section at the end of fiscal year 2020 is 2328
hereby reappropriated for the same purpose for fiscal year 2021. 2329

GOVERNMENT RELATIONS 2330

The Office of the Governor may issue an intrastate 2331
transfer voucher to charge any state agency of the executive 2332
branch such amounts necessary to represent the interests of Ohio 2333
to federal, state, and local government units and to cover the 2334
costs or membership dues related to Ohio's participation in 2335
national and regional associations. Amounts collected shall be 2336
deposited in the Government Relations Fund (Fund 5AK0). 2337

Section 7. That existing Sections 265.10, 265.210, 2338
265.337, and 289.10 of Am. Sub. H.B. 166 of the 133rd General 2339
Assembly are hereby repealed. 2340

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