

As Reported by the Senate Education Committee

131st General Assembly

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Sub. H. B. No. 70

Representatives Driehaus, Brenner

Cosponsors: Representatives Henne, Kuhns, Fedor, Strahorn, Lepore-Hagan, Phillips, Patterson, Bishoff, Blessing, Reece, Curtin, Antonio, Ramos, Smith, R., Amstutz, Anielski, Baker, Barnes, Boyd, Butler, Celebrezze, Clyde, Craig, Derickson, Gerberry, Green, Grossman, Hackett, Hambley, Hayes, Howse, Huffman, Johnson, G., Johnson, T., Kunze, LaTourette, Leland, McClain, O'Brien, M., O'Brien, S., Perales, Rogers, Ruhl, Schaffer, Scherer, Sheehy, Slaby, Slesnick, Smith, K., Stinziano, Sykes, Terhar, Young, Speaker Rosenberger

Senators Hite, Coley

A BILL

To amend sections 133.06, 3302.01, 3302.036, 1
3302.04, 3310.02, 3310.03, 3310.032, 3310.035, 2
3311.29, and 3314.102; to enact new section 3
3302.10 and sections 3302.11, 3302.16, 3302.17, 4
and 3302.18; and to repeal section 3302.10 of 5
the Revised Code to authorize school districts 6
and community schools to initiate a community 7
learning center process to assist and guide 8
school restructuring and to revise the law 9
regarding academic distress commissions and 10
other supports for lower performing school 11
districts. 12

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

Section 1. That sections 133.06, 3302.01, 3302.036, 13
3302.04, 3310.02, 3310.03, 3310.032, 3310.035, 3311.29, and 14

3314.102 be amended and new section 3302.10 and sections 15
3302.11, 3302.16, 3302.17, and 3302.18 of the Revised Code be 16
enacted to read as follows: 17

Sec. 133.06. (A) A school district shall not incur, 18
without a vote of the electors, net indebtedness that exceeds an 19
amount equal to one-tenth of one per cent of its tax valuation, 20
except as provided in divisions (G) and (H) of this section and 21
in division (D) of section 3313.372 of the Revised Code, or as 22
prescribed in section 3318.052 or 3318.44 of the Revised Code, 23
or as provided in division (J) of this section. 24

(B) Except as provided in divisions (E), (F), and (I) of 25
this section, a school district shall not incur net indebtedness 26
that exceeds an amount equal to nine per cent of its tax 27
valuation. 28

(C) A school district shall not submit to a vote of the 29
electors the question of the issuance of securities in an amount 30
that will make the district's net indebtedness after the 31
issuance of the securities exceed an amount equal to four per 32
cent of its tax valuation, unless the superintendent of public 33
instruction, acting under policies adopted by the state board of 34
education, and the tax commissioner, acting under written 35
policies of the commissioner, consent to the submission. A 36
request for the consents shall be made at least one hundred 37
twenty days prior to the election at which the question is to be 38
submitted. 39

The superintendent of public instruction shall certify to 40
the district the superintendent's and the tax commissioner's 41
decisions within thirty days after receipt of the request for 42
consents. 43

If the electors do not approve the issuance of securities 44
at the election for which the superintendent of public 45
instruction and tax commissioner consented to the submission of 46
the question, the school district may submit the same question 47
to the electors on the date that the next special election may 48
be held under section 3501.01 of the Revised Code without 49
submitting a new request for consent. If the school district 50
seeks to submit the same question at any other subsequent 51
election, the district shall first submit a new request for 52
consent in accordance with this division. 53

(D) In calculating the net indebtedness of a school 54
district, none of the following shall be considered: 55

(1) Securities issued to acquire school buses and other 56
equipment used in transporting pupils or issued pursuant to 57
division (D) of section 133.10 of the Revised Code; 58

(2) Securities issued under division (F) of this section, 59
under section 133.301 of the Revised Code, and, to the extent in 60
excess of the limitation stated in division (B) of this section, 61
under division (E) of this section; 62

(3) Indebtedness resulting from the dissolution of a joint 63
vocational school district under section 3311.217 of the Revised 64
Code, evidenced by outstanding securities of that joint 65
vocational school district; 66

(4) Loans, evidenced by any securities, received under 67
sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code; 68

(5) Debt incurred under section 3313.374 of the Revised 69
Code; 70

(6) Debt incurred pursuant to division (B) (5) of section 71
3313.37 of the Revised Code to acquire computers and related 72

hardware;	73
(7) Debt incurred under section 3318.042 of the Revised Code.	74 75
(E) A school district may become a special needs district as to certain securities as provided in division (E) of this section.	76 77 78
(1) A board of education, by resolution, may declare its school district to be a special needs district by determining both of the following:	79 80 81
(a) The student population is not being adequately serviced by the existing permanent improvements of the district.	82 83
(b) The district cannot obtain sufficient funds by the issuance of securities within the limitation of division (B) of this section to provide additional or improved needed permanent improvements in time to meet the needs.	84 85 86 87
(2) The board of education shall certify a copy of that resolution to the superintendent of public instruction with a statistical report showing all of the following:	88 89 90
(a) The history of and a projection of the growth of the tax valuation;	91 92
(b) The projected needs;	93
(c) The estimated cost of permanent improvements proposed to meet such projected needs.	94 95
(3) The superintendent of public instruction shall certify the district as an approved special needs district if the superintendent finds both of the following:	96 97 98
(a) The district does not have available sufficient	99

additional funds from state or federal sources to meet the 100
projected needs. 101

(b) The projection of the potential average growth of tax 102
valuation during the next five years, according to the 103
information certified to the superintendent and any other 104
information the superintendent obtains, indicates a likelihood 105
of potential average growth of tax valuation of the district 106
during the next five years of an average of not less than one 107
and one-half per cent per year. The findings and certification 108
of the superintendent shall be conclusive. 109

(4) An approved special needs district may incur net 110
indebtedness by the issuance of securities in accordance with 111
the provisions of this chapter in an amount that does not exceed 112
an amount equal to the greater of the following: 113

(a) Twelve per cent of the sum of its tax valuation plus 114
an amount that is the product of multiplying that tax valuation 115
by the percentage by which the tax valuation has increased over 116
the tax valuation on the first day of the sixtieth month 117
preceding the month in which its board determines to submit to 118
the electors the question of issuing the proposed securities; 119

(b) Twelve per cent of the sum of its tax valuation plus 120
an amount that is the product of multiplying that tax valuation 121
by the percentage, determined by the superintendent of public 122
instruction, by which that tax valuation is projected to 123
increase during the next ten years. 124

(F) A school district may issue securities for emergency 125
purposes, in a principal amount that does not exceed an amount 126
equal to three per cent of its tax valuation, as provided in 127
this division. 128

(1) A board of education, by resolution, may declare an emergency if it determines both of the following:	129 130
(a) School buildings or other necessary school facilities in the district have been wholly or partially destroyed, or condemned by a constituted public authority, or that such buildings or facilities are partially constructed, or so constructed or planned as to require additions and improvements to them before the buildings or facilities are usable for their intended purpose, or that corrections to permanent improvements are necessary to remove or prevent health or safety hazards.	131 132 133 134 135 136 137 138
(b) Existing fiscal and net indebtedness limitations make adequate replacement, additions, or improvements impossible.	139 140
(2) Upon the declaration of an emergency, the board of education may, by resolution, submit to the electors of the district pursuant to section 133.18 of the Revised Code the question of issuing securities for the purpose of paying the cost, in excess of any insurance or condemnation proceeds received by the district, of permanent improvements to respond to the emergency need.	141 142 143 144 145 146 147
(3) The procedures for the election shall be as provided in section 133.18 of the Revised Code, except that:	148 149
(a) The form of the ballot shall describe the emergency existing, refer to this division as the authority under which the emergency is declared, and state that the amount of the proposed securities exceeds the limitations prescribed by division (B) of this section;	150 151 152 153 154
(b) The resolution required by division (B) of section 133.18 of the Revised Code shall be certified to the county auditor and the board of elections at least one hundred days	155 156 157

prior to the election; 158

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

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

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

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

amounts by which energy consumption and resultant operational 188
and maintenance costs, as defined by the commission, would be 189
reduced. 190

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

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

No district board of education of a school district that 206
is in a state of fiscal emergency pursuant to division (B) of 207
section 3316.03 of the Revised Code shall submit a request 208
without submitting evidence that the installations, 209
modifications, or remodeling have been approved by the 210
district's financial planning and supervision commission 211
established under section 3316.05 of the Revised Code. 212

No board of education of a school district that, for three 213
or more consecutive years, has been declared to be in a state of 214
academic emergency under section 3302.03 of the Revised Code, as 215
that section existed prior to March 22, 2013, and has failed to 216
meet adequate yearly progress, or has met any condition set 217

forth in division (A) ~~(2) or (3)~~ of section 3302.10 of the Revised Code shall submit a request without first receiving approval to incur indebtedness from the district's academic distress commission established under that section, for so long as such commission continues to be required for the district.

(2) The school facilities commission shall approve the board's request provided that the following conditions are satisfied:

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

(b) The request for approval is complete.

(c) The installations, modifications, or remodeling are consistent with any project to construct or acquire classroom facilities, or to reconstruct or make additions to existing classroom facilities under sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised Code.

Upon receipt of the commission's approval, the district may issue securities without a vote of the electors in a principal amount not to exceed nine-tenths of one per cent of its tax valuation for the purpose of making such installations, modifications, or remodeling, but the total net indebtedness of the district without a vote of the electors incurred under this and all other sections of the Revised Code, except section 3318.052 of the Revised Code, shall not exceed one per cent of the district's tax valuation.

(3) So long as any securities issued under this division remain outstanding, the board of education shall monitor the energy consumption and resultant operational and maintenance costs of buildings in which installations or modifications have

been made or remodeling has been done pursuant to this division. 247
Except as provided in division (G) (4) of this section, the board 248
shall maintain and annually update a report in a form and manner 249
prescribed by the school facilities commission documenting the 250
reductions in energy consumption and resultant operational and 251
maintenance cost savings attributable to such installations, 252
modifications, or remodeling. The resultant operational and 253
maintenance cost savings shall be certified by the school 254
district treasurer. The report shall be submitted annually to 255
the commission. 256

(4) If the school facilities commission verifies that the 257
certified annual reports submitted to the commission by a board 258
of education under division (G) (3) of this section fulfill the 259
guarantee required under division (B) of section 3313.372 of the 260
Revised Code for three consecutive years, the board of education 261
shall no longer be subject to the annual reporting requirements 262
of division (G) (3) of this section. 263

(H) With the consent of the superintendent of public 264
instruction, a school district may incur without a vote of the 265
electors net indebtedness that exceeds the amounts stated in 266
divisions (A) and (G) of this section for the purpose of paying 267
costs of permanent improvements, if and to the extent that both 268
of the following conditions are satisfied: 269

(1) The fiscal officer of the school district estimates 270
that receipts of the school district from payments made under or 271
pursuant to agreements entered into pursuant to section 725.02, 272
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 273
5709.62, 5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 of the 274
Revised Code, or distributions under division (C) of section 275
5709.43 of the Revised Code, or any combination thereof, are, 276

after accounting for any appropriate coverage requirements, 277
sufficient in time and amount, and are committed by the 278
proceedings, to pay the debt charges on the securities issued to 279
evidence that indebtedness and payable from those receipts, and 280
the taxing authority of the district confirms the fiscal 281
officer's estimate, which confirmation is approved by the 282
superintendent of public instruction; 283

(2) The fiscal officer of the school district certifies, 284
and the taxing authority of the district confirms, that the 285
district, at the time of the certification and confirmation, 286
reasonably expects to have sufficient revenue available for the 287
purpose of operating such permanent improvements for their 288
intended purpose upon acquisition or completion thereof, and the 289
superintendent of public instruction approves the taxing 290
authority's confirmation. 291

The maximum maturity of securities issued under division 292
(H) of this section shall be the lesser of twenty years or the 293
maximum maturity calculated under section 133.20 of the Revised 294
Code. 295

(I) A school district may incur net indebtedness by the 296
issuance of securities in accordance with the provisions of this 297
chapter in excess of the limit specified in division (B) or (C) 298
of this section when necessary to raise the school district 299
portion of the basic project cost and any additional funds 300
necessary to participate in a project under Chapter 3318. of the 301
Revised Code, including the cost of items designated by the 302
school facilities commission as required locally funded 303
initiatives, the cost of other locally funded initiatives in an 304
amount that does not exceed fifty per cent of the district's 305
portion of the basic project cost, and the cost for site 306

acquisition. The commission shall notify the superintendent of 307
public instruction whenever a school district will exceed either 308
limit pursuant to this division. 309

(J) A school district whose portion of the basic project 310
cost of its classroom facilities project under sections 3318.01 311
to 3318.20 of the Revised Code is greater than or equal to one 312
hundred million dollars may incur without a vote of the electors 313
net indebtedness in an amount up to two per cent of its tax 314
valuation through the issuance of general obligation securities 315
in order to generate all or part of the amount of its portion of 316
the basic project cost if the controlling board has approved the 317
school facilities commission's conditional approval of the 318
project under section 3318.04 of the Revised Code. The school 319
district board and the Ohio school facilities commission shall 320
include the dedication of the proceeds of such securities in the 321
agreement entered into under section 3318.08 of the Revised 322
Code. No state moneys shall be released for a project to which 323
this section applies until the proceeds of any bonds issued 324
under this section that are dedicated for the payment of the 325
school district portion of the project are first deposited into 326
the school district's project construction fund. 327

Sec. 3302.01. As used in this chapter: 328

(A) "Performance index score" means the average of the 329
totals derived from calculations, for each subject area, of the 330
weighted proportion of untested students and students scoring at 331
each level of skill described in division (A) (2) of section 332
3301.0710 of the Revised Code on the state achievement 333
assessments, as follows: 334

(1) For the assessments prescribed by division (A) (1) of 335
section 3301.0710 of the Revised Code, the average for each of 336

the subject areas of English language arts, mathematics, 337
science, and social studies. 338

(2) For the assessments prescribed by division (B) (1) of 339
section 3301.0710 and division (B) (2) of section 3301.0712 of 340
the Revised Code, the average for each of the subject areas of 341
English language arts and mathematics. 342

The department of education shall assign weights such that 343
students who do not take an assessment receive a weight of zero 344
and students who take an assessment receive progressively larger 345
weights dependent upon the level of skill attained on the 346
assessment. The department shall assign additional weights to 347
students who have been permitted to pass over a subject in 348
accordance with a student acceleration policy adopted under 349
section 3324.10 of the Revised Code. If such a student attains 350
the proficient score prescribed under division (A) (2) (c) of 351
section 3301.0710 of the Revised Code or higher on an 352
assessment, the department shall assign the student the weight 353
prescribed for the next higher scoring level. If such a student 354
attains the advanced score, prescribed under division (A) (2) (a) 355
of section 3301.0710 of the Revised Code, on an assessment, the 356
department shall assign to the student an additional 357
proportional weight, as approved by the state board. For each 358
school year that such a student's score is included in the 359
performance index score and the student attains the proficient 360
score on an assessment, that additional weight shall be assigned 361
to the student on a subject-by-subject basis. 362

Students shall be included in the "performance index 363
score" in accordance with division (K) (2) of section 3302.03 of 364
the Revised Code. 365

(B) "Subgroup" means a subset of the entire student 366

population of the state, a school district, or a school building	367
and includes each of the following:	368
(1) Major racial and ethnic groups;	369
(2) Students with disabilities;	370
(3) Economically disadvantaged students;	371
(4) Limited English proficient students;	372
(5) Students identified as gifted in superior cognitive	373
ability and specific academic ability fields under Chapter 3324.	374
of the Revised Code. For students who are gifted in specific	375
academic ability fields, the department shall use data for those	376
students with specific academic ability in math and reading. If	377
any other academic field is assessed, the department shall also	378
include data for students with specific academic ability in that	379
field.	380
(6) Students in the lowest quintile for achievement	381
statewide, as determined by a method prescribed by the state	382
board of education.	383
(C) "No Child Left Behind Act of 2001" includes the	384
statutes codified at 20 U.S.C. 6301 et seq. and any amendments,	385
waivers, or both thereto, rules and regulations promulgated	386
pursuant to those statutes, guidance documents, and any other	387
policy directives regarding implementation of that act issued by	388
the United States department of education.	389
(D) "Adequate yearly progress" means a measure of annual	390
academic performance as calculated in accordance with the "No	391
Child Left Behind Act of 2001."	392
(E) "Supplemental educational services" means additional	393
academic assistance, such as tutoring, remediation, or other	394

educational enrichment activities, that is conducted outside of 395
the regular school day by a provider approved by the department 396
in accordance with the "No Child Left Behind Act of 2001." 397

(F) "Value-added progress dimension" means a measure of 398
academic gain for a student or group of students over a specific 399
period of time that is calculated by applying a statistical 400
methodology to individual student achievement data derived from 401
the achievement assessments prescribed by section 3301.0710 of 402
the Revised Code. The "value-added progress dimension" shall be 403
developed and implemented in accordance with section 3302.021 of 404
the Revised Code. 405

(G) (1) "Four-year adjusted cohort graduation rate" means 406
the number of students who graduate in four years or less with a 407
regular high school diploma divided by the number of students 408
who form the adjusted cohort for the graduating class. 409

(2) "Five-year adjusted cohort graduation rate" means the 410
number of students who graduate in five years with a regular 411
high school diploma divided by the number of students who form 412
the adjusted cohort for the four-year graduation rate. 413

(H) "State institution of higher education" has the same 414
meaning as in section 3345.011 of the Revised Code. 415

(I) "Annual measurable objectives" means a measure of 416
student progress determined in accordance with an agreement 417
between the department of education and the United States 418
department of education. 419

(J) "Community school" means a community school 420
established under Chapter 3314. of the Revised Code. 421

(K) "STEM school" means a science, technology, 422
engineering, and mathematics school established under Chapter 423

3326. of the Revised Code. 424

(L) "Entitled to attend school in the district" means 425
entitled to attend school in a school district under section 426
3313.64 or 3313.65 of the Revised Code. 427

Sec. 3302.036. (A) Notwithstanding anything in the Revised 428
Code to the contrary, the department of education shall not 429
assign an overall letter grade under division (C)(3) of section 430
3302.03 of the Revised Code for any school district or building 431
for the 2014-2015 school year, may, at the discretion of the 432
state board of education, not assign an individual grade to any 433
component prescribed under division (C)(3) of section 3302.03 of 434
the Revised Code, and shall not rank school districts, community 435
schools established under Chapter 3314. of the Revised Code, or 436
STEM schools established under Chapter 3326. of the Revised Code 437
under section 3302.21 of the Revised Code for that school year. 438
The report card ratings issued for the 2014-2015 school year 439
shall not be considered in determining whether a school district 440
or a school is subject to sanctions or penalties. However, the 441
report card ratings of any previous or subsequent years shall be 442
considered in determining whether a school district or building 443
is subject to sanctions or penalties. Accordingly, the report 444
card ratings for the 2014-2015 school year shall have no effect 445
in determining sanctions or penalties, but shall not create a 446
new starting point for determinations that are based on ratings 447
over multiple years. 448

(B) The provisions from which a district or school is 449
exempt under division (A) of this section shall be the 450
following: 451

(1) Any restructuring provisions established under this 452
chapter, except as required under the "No Child Left Behind Act 453

of 2001"; 454

(2) Provisions for the Columbus city school pilot project 455
under section 3302.042 of the Revised Code; 456

(3) Provisions for academic distress commissions under 457
former section 3302.10 of the Revised Code, as it existed prior 458
to the effective date of this amendment. The provisions of this 459
section do not apply to academic distress commissions under the 460
version of that section as it exists on or after the effective 461
date of this amendment. 462

(4) Provisions prescribing new buildings where students 463
are eligible for the educational choice scholarships under 464
section 3310.03 of the Revised Code; 465

(5) Provisions defining "challenged school districts" in 466
which new start-up community schools may be located, as 467
prescribed in section 3314.02 of the Revised Code; 468

(6) Provisions prescribing community school closure 469
requirements under section 3314.35 or 3314.351 of the Revised 470
Code. 471

(C) Notwithstanding anything in the Revised Code to the 472
contrary and except as provided in Section 3 of H.B. 7 of the 473
131st general assembly, no school district, community school, or 474
STEM school shall utilize at any time during a student's 475
academic career a student's score on any assessment administered 476
under division (A) of section 3301.0710 or division (B) (2) of 477
section 3301.0712 of the Revised Code in the 2014-2015 school 478
year as a factor in any decision to promote or to deny the 479
student promotion to a higher grade level or in any decision to 480
grant course credit. No individual student score reports on such 481
assessments administered in the 2014-2015 school year shall be 482

released, except to a student's school district or school or to 483
the student or the student's parent or guardian. 484

Sec. 3302.04. As used in divisions (A), (C), and (D) of 485
this section, for the 2014-2015 school year, and for each school 486
year thereafter, when a provision refers to a school district or 487
school building in a state of academic emergency, it shall mean 488
a district or building rated "F"; when a provision refers to a 489
school district or school building under an academic watch, it 490
shall mean a district or building rated "D"; and when a 491
provision refers to a school district or school building in need 492
of continuous improvement, it shall mean a district or building 493
rated "C" as those letter grade ratings for overall performance 494
are assigned under division (C) (3) of section 3302.03 of the 495
Revised Code, as it exists on or after ~~the effective date of~~ 496
~~this amendment~~ March 22, 2013. 497

(A) The department of education shall establish a system 498
of intensive, ongoing support for the improvement of school 499
districts and school buildings. In accordance with the model of 500
differentiated accountability described in section 3302.041 of 501
the Revised Code, the system shall give priority to the 502
following: 503

(1) For any school year prior to the 2012-2013 school 504
year, districts and buildings that have been declared to be 505
under an academic watch or in a state of academic emergency 506
under section 3302.03 of the Revised Code; 507

(2) For the 2012-2013 school year, and for each school 508
year thereafter, districts and buildings in the manner 509
prescribed by any agreement currently in force between the 510
department and the United States department of education. The 511
department shall endeavor to include schools and buildings that 512

receive grades under section 3302.03 of the Revised Code that 513
the department considers to be low performing. 514

The system shall include services provided to districts 515
and buildings through regional service providers, such as 516
educational service centers. The system may include the 517
appointment of an improvement coordinator for any of the lowest 518
performing districts, as determined by the department, to 519
coordinate the district's academic improvement efforts and to 520
build support among the community for those efforts. 521

(B) This division does not apply to any school district 522
after June 30, 2008. 523

When a school district has been notified by the department 524
pursuant to section 3302.03 of the Revised Code that the 525
district or a building within the district has failed to make 526
adequate yearly progress for two consecutive school years, the 527
district shall develop a three-year continuous improvement plan 528
for the district or building containing each of the following: 529

(1) An analysis of the reasons for the failure of the 530
district or building to meet any of the applicable performance 531
indicators established under section 3302.02 of the Revised Code 532
that it did not meet and an analysis of the reasons for its 533
failure to make adequate yearly progress; 534

(2) Specific strategies that the district or building will 535
use to address the problems in academic achievement identified 536
in division (B) (1) of this section; 537

(3) Identification of the resources that the district will 538
allocate toward improving the academic achievement of the 539
district or building; 540

(4) A description of any progress that the district or 541

building made in the preceding year toward improving its 542
academic achievement; 543

(5) An analysis of how the district is utilizing the 544
professional development standards adopted by the state board 545
pursuant to section 3319.61 of the Revised Code; 546

(6) Strategies that the district or building will use to 547
improve the cultural competency, as defined pursuant to section 548
3319.61 of the Revised Code, of teachers and other educators. 549

No three-year continuous improvement plan shall be 550
developed or adopted pursuant to this division unless at least 551
one public hearing is held within the affected school district 552
or building concerning the final draft of the plan. Notice of 553
the hearing shall be given two weeks prior to the hearing by 554
publication in one newspaper of general circulation within the 555
territory of the affected school district or building. Copies of 556
the plan shall be made available to the public. 557

(C) (1) For any school year prior to the school year that 558
begins on July 1, 2012, when a school district or building has 559
been notified by the department pursuant to section 3302.03 of 560
the Revised Code that the district or building is under an 561
academic watch or in a state of academic emergency, the district 562
or building shall be subject to any rules establishing 563
intervention in academic watch or emergency school districts or 564
buildings. 565

(2) For the 2012-2013 school year, and for each school 566
year thereafter, a district or building that meets the 567
conditions for intervention prescribed by the agreement 568
described in division (A) (2) of this section shall be subject to 569
any rules establishing such intervention. 570

(D) (1) For any school year prior to the 2012-2013 school year, within one hundred twenty days after any school district or building is declared to be in a state of academic emergency under section 3302.03 of the Revised Code, the department may initiate a site evaluation of the building or school district.

(2) For the 2012-2013 school year, and for each school year thereafter, the department may initiate a site evaluation of a building or school district that meets the conditions for a site evaluation prescribed by the agreement described in division (A) (2) of this section.

(3) Division (D) (3) of this section does not apply to any school district after June 30, 2008.

If any school district that is declared to be in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code or encompasses a building that is declared to be in a state of academic emergency or in a state of academic watch fails to demonstrate to the department satisfactory improvement of the district or applicable buildings or fails to submit to the department any information required under rules established by the state board of education, prior to approving a three-year continuous improvement plan under rules established by the state board of education, the department shall conduct a site evaluation of the school district or applicable buildings to determine whether the school district is in compliance with minimum standards established by law or rule.

(4) Division (D) (4) of this section does not apply to any school district after June 30, 2008. Site evaluations conducted under divisions (D) (1), (2), and (3) of this section shall include, but not be limited to, the following:

(a) Determining whether teachers are assigned to subject areas for which they are licensed or certified;	601 602
(b) Determining pupil-teacher ratios;	603
(c) Examination of compliance with minimum instruction time requirements for each school day and for each school year;	604 605
(d) Determining whether materials and equipment necessary to implement the curriculum approved by the school district board are available;	606 607 608
(e) Examination of whether the teacher and principal evaluation systems comply with sections 3311.80, 3311.84, 3319.02, and 3319.111 of the Revised Code;	609 610 611
(f) Examination of the adequacy of efforts to improve the cultural competency, as defined pursuant to section 3319.61 of the Revised Code, of teachers and other educators.	612 613 614
(E) This division applies only to school districts that operate a school building that fails to make adequate yearly progress for two or more consecutive school years. It does not apply to any such district after June 30, 2008, except as provided in division (D) (2) of section 3313.97 of the Revised Code.	615 616 617 618 619 620
(1) For any school building that fails to make adequate yearly progress for two consecutive school years, the district shall do all of the following:	621 622 623
(a) Provide written notification of the academic issues that resulted in the building's failure to make adequate yearly progress to the parent or guardian of each student enrolled in the building. The notification shall also describe the actions being taken by the district or building to improve the academic	624 625 626 627 628

performance of the building and any progress achieved toward 629
that goal in the immediately preceding school year. 630

(b) If the building receives funds under Title I, Part A 631
of the "Elementary and Secondary Education Act of 1965," 20 632
U.S.C. 6311 to 6339, from the district, in accordance with 633
section 3313.97 of the Revised Code, offer all students enrolled 634
in the building the opportunity to enroll in an alternative 635
building within the district that is not in school improvement 636
status as defined by the "No Child Left Behind Act of 2001." 637
Notwithstanding Chapter 3327. of the Revised Code, the district 638
shall spend an amount equal to twenty per cent of the funds it 639
receives under Title I, Part A of the "Elementary and Secondary 640
Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide 641
transportation for students who enroll in alternative buildings 642
under this division, unless the district can satisfy all demand 643
for transportation with a lesser amount. If an amount equal to 644
twenty per cent of the funds the district receives under Title 645
I, Part A of the "Elementary and Secondary Education Act of 646
1965," 20 U.S.C. 6311 to 6339, is insufficient to satisfy all 647
demand for transportation, the district shall grant priority 648
over all other students to the lowest achieving students among 649
the subgroup described in division (B) (3) of section 3302.01 of 650
the Revised Code in providing transportation. Any district that 651
does not receive funds under Title I, Part A of the "Elementary 652
and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, 653
shall not be required to provide transportation to any student 654
who enrolls in an alternative building under this division. 655

(2) For any school building that fails to make adequate 656
yearly progress for three consecutive school years, the district 657
shall do both of the following: 658

(a) If the building receives funds under Title I, Part A 659
of the "Elementary and Secondary Education Act of 1965," 20 660
U.S.C. 6311 to 6339, from the district, in accordance with 661
section 3313.97 of the Revised Code, provide all students 662
enrolled in the building the opportunity to enroll in an 663
alternative building within the district that is not in school 664
improvement status as defined by the "No Child Left Behind Act 665
of 2001." Notwithstanding Chapter 3327. of the Revised Code, the 666
district shall provide transportation for students who enroll in 667
alternative buildings under this division to the extent required 668
under division (E) (2) of this section. 669

(b) If the building receives funds under Title I, Part A 670
of the "Elementary and Secondary Education Act of 1965," 20 671
U.S.C. 6311 to 6339, from the district, offer supplemental 672
educational services to students who are enrolled in the 673
building and who are in the subgroup described in division (B) 674
(3) of section 3302.01 of the Revised Code. 675

The district shall spend a combined total of an amount 676
equal to twenty per cent of the funds it receives under Title I, 677
Part A of the "Elementary and Secondary Education Act of 1965," 678
20 U.S.C. 6311 to 6339, to provide transportation for students 679
who enroll in alternative buildings under division (E) (1) (b) or 680
(E) (2) (a) of this section and to pay the costs of the 681
supplemental educational services provided to students under 682
division (E) (2) (b) of this section, unless the district can 683
satisfy all demand for transportation and pay the costs of 684
supplemental educational services for those students who request 685
them with a lesser amount. In allocating funds between the 686
requirements of divisions (E) (1) (b) and (E) (2) (a) and (b) of 687
this section, the district shall spend at least an amount equal 688
to five per cent of the funds it receives under Title I, Part A 689

of the "Elementary and Secondary Education Act of 1965," 20 690
U.S.C. 6311 to 6339, to provide transportation for students who 691
enroll in alternative buildings under division (E) (1) (b) or (E) 692
(2) (a) of this section, unless the district can satisfy all 693
demand for transportation with a lesser amount, and at least an 694
amount equal to five per cent of the funds it receives under 695
Title I, Part A of the "Elementary and Secondary Education Act 696
of 1965," 20 U.S.C. 6311 to 6339, to pay the costs of the 697
supplemental educational services provided to students under 698
division (E) (2) (b) of this section, unless the district can pay 699
the costs of such services for all students requesting them with 700
a lesser amount. If an amount equal to twenty per cent of the 701
funds the district receives under Title I, Part A of the 702
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 703
to 6339, is insufficient to satisfy all demand for 704
transportation under divisions (E) (1) (b) and (E) (2) (a) of this 705
section and to pay the costs of all of the supplemental 706
educational services provided to students under division (E) (2) 707
(b) of this section, the district shall grant priority over all 708
other students in providing transportation and in paying the 709
costs of supplemental educational services to the lowest 710
achieving students among the subgroup described in division (B) 711
(3) of section 3302.01 of the Revised Code. 712

Any district that does not receive funds under Title I, 713
Part A of the "Elementary and Secondary Education Act of 1965," 714
20 U.S.C. 6311 to 6339, shall not be required to provide 715
transportation to any student who enrolls in an alternative 716
building under division (E) (2) (a) of this section or to pay the 717
costs of supplemental educational services provided to any 718
student under division (E) (2) (b) of this section. 719

No student who enrolls in an alternative building under 720

division (E) (2) (a) of this section shall be eligible for 721
supplemental educational services under division (E) (2) (b) of 722
this section. 723

(3) For any school building that fails to make adequate 724
yearly progress for four consecutive school years, the district 725
shall continue to comply with division (E) (2) of this section 726
and shall implement at least one of the following options with 727
respect to the building: 728

(a) Institute a new curriculum that is consistent with the 729
statewide academic standards adopted pursuant to division (A) of 730
section 3301.079 of the Revised Code; 731

(b) Decrease the degree of authority the building has to 732
manage its internal operations; 733

(c) Appoint an outside expert to make recommendations for 734
improving the academic performance of the building. The district 735
may request the department to establish a state intervention 736
team for this purpose pursuant to division (G) of this section. 737

(d) Extend the length of the school day or year; 738

(e) Replace the building principal or other key personnel; 739

(f) Reorganize the administrative structure of the 740
building. 741

(4) For any school building that fails to make adequate 742
yearly progress for five consecutive school years, the district 743
shall continue to comply with division (E) (2) of this section 744
and shall develop a plan during the next succeeding school year 745
to improve the academic performance of the building, which shall 746
include at least one of the following options: 747

(a) Reopen the school as a community school under Chapter 748

3314. of the Revised Code;	749
(b) Replace personnel;	750
(c) Contract with a nonprofit or for-profit entity to operate the building;	751 752
(d) Turn operation of the building over to the department;	753
(e) Other significant restructuring of the building's governance.	754 755
(5) For any school building that fails to make adequate yearly progress for six consecutive school years, the district shall continue to comply with division (E) (2) of this section and shall implement the plan developed pursuant to division (E) (4) of this section.	756 757 758 759 760
(6) A district shall continue to comply with division (E) (1) (b) or (E) (2) of this section, whichever was most recently applicable, with respect to any building formerly subject to one of those divisions until the building makes adequate yearly progress for two consecutive school years.	761 762 763 764 765
(F) This division applies only to school districts that have been identified for improvement by the department pursuant to the "No Child Left Behind Act of 2001." It does not apply to any such district after June 30, 2008.	766 767 768 769
(1) If a school district has been identified for improvement for one school year, the district shall provide a written description of the continuous improvement plan developed by the district pursuant to division (B) of this section to the parent or guardian of each student enrolled in the district. If the district does not have a continuous improvement plan, the district shall develop such a plan in accordance with division	770 771 772 773 774 775 776

(B) of this section and provide a written description of the 777
plan to the parent or guardian of each student enrolled in the 778
district. 779

(2) If a school district has been identified for 780
improvement for two consecutive school years, the district shall 781
continue to implement the continuous improvement plan developed 782
by the district pursuant to division (B) or (F) (1) of this 783
section. 784

(3) If a school district has been identified for 785
improvement for three consecutive school years, the department 786
shall take at least one of the following corrective actions with 787
respect to the district: 788

(a) Withhold a portion of the funds the district is 789
entitled to receive under Title I, Part A of the "Elementary and 790
Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339; 791

(b) Direct the district to replace key district personnel; 792

(c) Institute a new curriculum that is consistent with the 793
statewide academic standards adopted pursuant to division (A) of 794
section 3301.079 of the Revised Code; 795

(d) Establish alternative forms of governance for 796
individual school buildings within the district; 797

(e) Appoint a trustee to manage the district in place of 798
the district superintendent and board of education. 799

The department shall conduct individual audits of a 800
sampling of districts subject to this division to determine 801
compliance with the corrective actions taken by the department. 802

(4) If a school district has been identified for 803
improvement for four consecutive school years, the department 804

shall continue to monitor implementation of the corrective 805
action taken under division (F) (3) of this section with respect 806
to the district. 807

(5) If a school district has been identified for 808
improvement for five consecutive school years, the department 809
shall take at least one of the corrective actions identified in 810
division (F) (3) of this section with respect to the district, 811
provided that the corrective action the department takes is 812
different from the corrective action previously taken under 813
division (F) (3) of this section with respect to the district. 814

(G) The department may establish a state intervention team 815
to evaluate all aspects of a school district or building, 816
including management, curriculum, instructional methods, 817
resource allocation, and scheduling. Any such intervention team 818
shall be appointed by the department and shall include teachers 819
and administrators recognized as outstanding in their fields. 820
The intervention team shall make recommendations regarding 821
methods for improving the performance of the district or 822
building. 823

The department shall not approve a district's request for 824
an intervention team under division (E) (3) of this section if 825
the department cannot adequately fund the work of the team, 826
unless the district agrees to pay for the expenses of the team. 827

(H) The department shall conduct individual audits of a 828
sampling of community schools established under Chapter 3314. of 829
the Revised Code to determine compliance with this section. 830

(I) The state board shall adopt rules for implementing 831
this section. 832

Sec. 3302.10. (A) The superintendent of public instruction 833

shall establish an academic distress commission for any school 834
district that meets one of the following conditions: 835

(1) The district has received an overall grade of "F" 836
under division (C) (3) of section 3302.03 of the Revised Code for 837
three consecutive years. 838

(2) An academic distress commission established for the 839
district under former section 3302.10 of the Revised Code was 840
still in existence on the effective date of this section and has 841
been in existence for at least four years. 842

(B) (1) The academic distress commission shall consist of 843
five members as follows: 844

(a) Three members appointed by the state superintendent; 845

(b) One member appointed by the president of the district 846
board of education, who shall be a teacher employed by the 847
district; 848

(c) One member appointed by the mayor of the municipality 849
in which a majority of the district's territory is located or, 850
if no such municipality exists, by the mayor of a municipality 851
selected by the state superintendent in which the district has 852
territory. 853

Appointments to the commission shall be made within thirty 854
days after the district is notified that it is subject to this 855
section. Members of the commission shall serve at the pleasure 856
of their appointing authority. The state superintendent shall 857
designate a chairperson for the commission from among the 858
members appointed by the state superintendent. The chairperson 859
shall call and conduct meetings, set meeting agendas, and serve 860
as a liaison between the commission and the chief executive 861
officer appointed under division (C) (1) of this section. 862

(2) In the case of a school district that meets the 863
condition in division (A) (2) of this section, the academic 864
distress commission established for the district under former 865
section 3302.10 of the Revised Code shall be abolished and a new 866
academic distress commission shall be appointed for the district 867
pursuant to division (B) (1) of this section. 868

(C) (1) Within sixty days after the state superintendent 869
has designated a chairperson for the academic distress 870
commission, the commission shall appoint a chief executive 871
officer for the district, who shall be paid by the department of 872
education. The individual appointed as chief executive officer 873
shall have high-level management experience in the public or 874
private sector. The chief executive officer shall exercise 875
complete operational, managerial, and instructional control of 876
the district, which shall include, but shall not be limited to, 877
the following powers and duties, but the chief executive officer 878
may delegate, in writing, specific powers or duties to the 879
district board or district superintendent: 880

(a) Replacing school administrators and central office 881
staff; 882

(b) Assigning employees to schools and approving 883
transfers; 884

(c) Hiring new employees; 885

(d) Defining employee responsibilities and job 886
descriptions; 887

(e) Establishing employee compensation; 888

(f) Allocating teacher class loads; 889

(g) Conducting employee evaluations; 890

<u>(h) Making reductions in staff under section 3319.17,</u>	891
<u>3319.171, or 3319.172 of the Revised Code;</u>	892
<u>(i) Setting the school calendar;</u>	893
<u>(j) Creating a budget for the district;</u>	894
<u>(k) Contracting for services for the district;</u>	895
<u>(l) Modifying policies and procedures established by the</u>	896
<u>district board;</u>	897
<u>(m) Establishing grade configurations of schools;</u>	898
<u>(n) Determining the school curriculum;</u>	899
<u>(o) Selecting instructional materials and assessments;</u>	900
<u>(p) Setting class sizes;</u>	901
<u>(q) Providing for staff professional development.</u>	902
<u>(2) If an improvement coordinator was previously appointed</u>	903
<u>for the district pursuant to division (A) of section 3302.04 of</u>	904
<u>the Revised Code, that position shall be terminated. However,</u>	905
<u>nothing in this section shall prohibit the chief executive</u>	906
<u>officer from employing the same individual or other staff to</u>	907
<u>perform duties or functions previously performed by the</u>	908
<u>improvement coordinator.</u>	909
<u>(D) The academic distress commission, in consultation with</u>	910
<u>the state superintendent and the chief executive officer, shall</u>	911
<u>be responsible for expanding high-quality school choice options</u>	912
<u>in the district. The commission, in consultation with the state</u>	913
<u>superintendent, may create an entity to act as a high-quality</u>	914
<u>school accelerator for schools not operated by the district. The</u>	915
<u>accelerator shall promote high-quality schools in the district,</u>	916
<u>lead improvement efforts for underperforming schools, recruit</u>	917

high-quality sponsors for community schools, attract new high- 918
quality schools to the district, and increase the overall 919
capacity of schools to deliver a high-quality education for 920
students. Any accelerator shall be an independent entity and the 921
chief executive officer shall have no authority over the 922
accelerator. 923

(E) (1) Within thirty days after the chief executive 924
officer is appointed, the chief executive officer shall convene 925
a group of community stakeholders. The purpose of the group 926
shall be to develop expectations for academic improvement in the 927
district and to assist the district in building relationships 928
with organizations in the community that can provide needed 929
services to students. Members of the group shall include, but 930
shall not be limited to, educators, civic and business leaders, 931
and representatives of institutions of higher education and 932
government service agencies. Within ninety days after the chief 933
executive officer is appointed, the chief executive officer also 934
shall convene a smaller group of community stakeholders for each 935
school operated by the district to develop expectations for 936
academic improvement in that school. The group convened for each 937
school shall have teachers employed in the school and parents of 938
students enrolled in the school among its members. 939

(2) The chief executive officer shall create a plan to 940
improve the district's academic performance. In creating the 941
plan, the chief executive officer shall consult with the groups 942
convened under division (E) (1) of this section. The chief 943
executive officer also shall consider the availability of 944
funding to ensure sustainability of the plan. The plan shall 945
establish clear, measurable performance goals for the district 946
and for each school operated by the district. The performance 947
goals shall include, but not be limited to, the performance 948

measures prescribed for report cards issued under section 949
3302.03 of the Revised Code. Within ninety days after the chief 950
executive officer is appointed, the chief executive officer 951
shall submit the plan to the academic distress commission for 952
approval. Within thirty days after the submission of the plan, 953
the commission shall approve the plan or suggest modifications 954
to the plan that will render it acceptable. If the commission 955
suggests modifications, the chief executive officer may revise 956
the plan before resubmitting it to the commission. The chief 957
executive officer shall resubmit the plan, whether revised or 958
not, within fifteen days after the commission suggests 959
modifications. The commission shall approve the plan within 960
thirty days after the plan is resubmitted. Upon approval of the 961
plan by the commission, the chief executive officer shall 962
implement the plan. 963

(F) Notwithstanding any provision to the contrary in 964
Chapter 4117. of the Revised Code, if the district board has 965
entered into, modified, renewed, or extended a collective 966
bargaining agreement on or after the effective date of this 967
section that contains provisions relinquishing one or more of 968
the rights or responsibilities listed in division (C) of section 969
4117.08 of the Revised Code, those provisions are not 970
enforceable and the chief executive officer and the district 971
board shall resume holding those rights or responsibilities as 972
if the district board had not relinquished them in that 973
agreement until such time as both the academic distress 974
commission ceases to exist and the district board agrees to 975
relinquish those rights or responsibilities in a new collective 976
bargaining agreement. For purposes of this section, "collective 977
bargaining agreement" shall include any labor contract or 978
agreement in effect with any applicable bargaining 979

representative. The chief executive officer and the district 980
board are not required to bargain on subjects reserved to the 981
management and direction of the school district, including, but 982
not limited to, the rights or responsibilities listed in 983
division (C) of section 4117.08 of the Revised Code. The way in 984
which these subjects and these rights or responsibilities may 985
affect the wages, hours, terms and conditions of employment, or 986
the continuation, modification, or deletion of an existing 987
provision of a collective bargaining agreement is not subject to 988
collective bargaining or effects bargaining under Chapter 4117. 989
of the Revised Code. The provisions of this paragraph apply to a 990
collective bargaining agreement entered into, modified, renewed, 991
or extended on or after the effective date of this section and 992
those provisions are deemed to be part of that agreement 993
regardless of whether the district satisfied the conditions 994
prescribed in division (A) of this section at the time the 995
district entered into that agreement. If the district board 996
relinquished one or more of the rights or responsibilities 997
listed in division (C) of section 4117.08 of the Revised Code in 998
a collective bargaining agreement entered into prior to the 999
effective date of this section and had resumed holding those 1000
rights or responsibilities pursuant to division (K) of former 1001
section 3302.10 of the Revised Code, as it existed prior to that 1002
date, the district board shall continue to hold those rights or 1003
responsibilities until such time as both the new academic 1004
distress commission appointed under this section ceases to exist 1005
upon completion of the transition period specified in division 1006
(N) (1) of this section and the district board agrees to 1007
relinquish those rights or responsibilities in a new collective 1008
bargaining agreement. 1009

(G) In each school year that the district is subject to 1010

this section, the following shall apply: 1011

(1) The chief executive officer shall implement the 1012
improvement plan approved under division (E)(2) of this section 1013
and shall review the plan annually to determine if changes are 1014
needed. The chief executive officer may modify the plan upon the 1015
approval of the modifications by the academic distress 1016
commission. 1017

(2) The chief executive officer may implement innovative 1018
education programs to do any of the following: 1019

(a) Address the physical and mental well-being of students 1020
and their families; 1021

(b) Provide mentoring; 1022

(c) Provide job resources; 1023

(d) Disseminate higher education information; 1024

(e) Offer recreational or cultural activities; 1025

(f) Provide any other services that will contribute to a 1026
successful learning environment. 1027

The chief executive officer shall establish a separate 1028
fund to support innovative education programs and shall deposit 1029
any moneys appropriated by the general assembly for the purposes 1030
of division (G)(2) of this section in the fund. The chief 1031
executive officer shall have sole authority to disburse moneys 1032
from the fund until the district is no longer subject to this 1033
section. All disbursements shall support the improvement plan 1034
approved under division (E)(2) of this section. 1035

(3) If the district is not a school district in which the 1036
pilot project scholarship program is operating under sections 1037

3313.974 to 3313.979 of the Revised Code, each student who is 1038
entitled to attend school in the district under section 3313.64 1039
or 3313.65 of the Revised Code and is enrolled in a school 1040
operated by the district or in a community school, or will be 1041
both enrolling in any of grades kindergarten through twelve in 1042
this state for the first time and at least five years of age by 1043
the first day of January of the following school year, shall be 1044
eligible to participate in the educational choice scholarship 1045
pilot program established under sections 3310.01 to 3310.17 of 1046
the Revised Code and an application for the student may be 1047
submitted during the next application period. 1048

(4) Notwithstanding anything to the contrary in the 1049
Revised Code, the chief executive officer may limit, suspend, or 1050
alter any contract with an administrator that is entered into, 1051
modified, renewed, or extended by the district board on or after 1052
the effective date of this section, provided that the chief 1053
executive officer shall not reduce any salary or base hourly 1054
rate of pay unless such salary or base hourly rate reductions 1055
are part of a uniform plan affecting all district employees and 1056
shall not reduce any insurance benefits unless such insurance 1057
benefit reductions are also applicable generally to other 1058
employees of the district. 1059

(5) The chief executive officer shall represent the 1060
district board during any negotiations to modify, renew, or 1061
extend a collective bargaining agreement entered into by the 1062
board under Chapter 4117. of the Revised Code. 1063

(H) If the report card for the district has been issued 1064
under section 3302.03 of the Revised Code for the first school 1065
year that the district is subject to this section and the 1066
district does not meet the qualification in division (N) (1) of 1067

this section, the following shall apply: 1068

(1) The chief executive officer may reconstitute any 1069
school operated by the district. The chief executive officer 1070
shall present to the academic distress commission a plan that 1071
lists each school designated for reconstitution and explains how 1072
the chief executive officer plans to reconstitute the school. 1073
The chief executive officer may take any of the following 1074
actions to reconstitute a school: 1075

(a) Change the mission of the school or the focus of its 1076
curriculum; 1077

(b) Replace the school's principal and/or administrative 1078
staff; 1079

(c) Replace a majority of the school's staff, including 1080
teaching and nonteaching employees; 1081

(d) Contract with a nonprofit or for-profit entity to 1082
manage the operations of the school. The contract may provide 1083
for the entity to supply all or some of the staff for the 1084
school. 1085

(e) Reopen the school as a community school under Chapter 1086
3314. of the Revised Code or a science, technology, engineering, 1087
and mathematics school under Chapter 3326. of the Revised Code; 1088

(f) Permanently close the school. 1089

If the chief executive officer plans to reconstitute a 1090
school under division (H) (1) (e) or (f) of this section, the 1091
commission shall review the plan for that school and either 1092
approve or reject it by the thirtieth day of June of the school 1093
year. Upon approval of the plan by the commission, the chief 1094
executive officer shall reconstitute the school as outlined in 1095

the plan. 1096

(2) Notwithstanding any provision to the contrary in 1097
Chapter 4117. of the Revised Code, the chief executive officer, 1098
in consultation with the chairperson of the academic distress 1099
commission, may reopen any collective bargaining agreement 1100
entered into, modified, renewed, or extended on or after the 1101
effective date of this section for the purpose of renegotiating 1102
its terms. The chief executive officer shall have the sole 1103
discretion to designate any provisions of a collective 1104
bargaining agreement as subject to reopening by providing 1105
written notice to the bargaining representative. Any provisions 1106
designated for reopening by the chief executive officer shall be 1107
subject to collective bargaining as set forth in Chapter 4117. 1108
of the Revised Code. Any changes to the provisions subject to 1109
reopening shall take effect on the following first day of July 1110
or another date agreed to by the parties. The chief executive 1111
officer may reopen a collective bargaining agreement under 1112
division (H) (2) of this section as necessary to reconstitute a 1113
school under division (H) (1) of this section. 1114

(I) If the report card for the district has been issued 1115
under section 3302.03 of the Revised Code for the second school 1116
year that the district is subject to this section and the 1117
district does not meet the qualification in division (N) (1) of 1118
this section, the following shall apply: 1119

(1) The chief executive officer may exercise any of the 1120
powers authorized under division (H) of this section. 1121

(2) Notwithstanding any provision to the contrary in 1122
Chapter 4117. of the Revised Code, the chief executive officer 1123
may limit, suspend, or alter any provision of a collective 1124
bargaining agreement entered into, modified, renewed, or 1125

extended on or after the effective date of this section, 1126
provided that the chief executive officer shall not reduce any 1127
base hourly rate of pay and shall not reduce any insurance 1128
benefits. The decision to limit, suspend, or alter any provision 1129
of a collective bargaining agreement under this division is not 1130
subject to bargaining under Chapter 4117. of the Revised Code; 1131
however, the chief executive officer shall have the discretion 1132
to engage in effects bargaining on the way any such decision may 1133
affect wages, hours, or terms and conditions of employment. The 1134
chief executive officer may limit, suspend, or alter a provision 1135
of a collective bargaining agreement under division (I) (2) of 1136
this section as necessary to reconstitute a school under 1137
division (H) (1) of this section. 1138

(J) If the report card for the district has been issued 1139
under section 3302.03 of the Revised Code for the third school 1140
year that the district is subject to this section and the 1141
district does not meet the qualification in division (N) (1) of 1142
this section, the following shall apply: 1143

(1) The chief executive officer may exercise any of the 1144
powers authorized under division (H) or (I) of this section. 1145

(2) The chief executive officer may continue in effect a 1146
limitation, suspension, or alteration of a provision of a 1147
collective bargaining agreement issued under division (I) (2) of 1148
this section. Any such continuation shall be subject to the 1149
requirements and restrictions of that division. 1150

(K) If the report card for the district has been issued 1151
under section 3302.03 of the Revised Code for the fourth school 1152
year that the district is subject to this section and the 1153
district does not meet the qualification in division (N) (1) of 1154
this section, the following shall apply: 1155

(1) The chief executive officer may exercise any of the powers authorized under division (H), (I), or (J) of this section. 1156
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(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. 1159
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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. 1166
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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. 1173
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(N)(1) When a district subject to this section receives an overall grade of "C" or higher under division (C)(3) of section 3302.03 of the Revised Code, the district shall begin its 1183
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transition out of being subject to this section. Except as 1186
provided in division (N) (2) of this section, the transition 1187
period shall last until the district has received an overall 1188
grade higher than "F" under division (C) (3) of section 3302.03 1189
of the Revised Code for two consecutive school years after the 1190
transition period begins. The overall grade of "C" or higher 1191
that qualifies the district to begin the transition period shall 1192
not count as one of the two consecutive school years. During the 1193
transition period, the conditions described in divisions (F) to 1194
(L) of this section for the school year prior to the school year 1195
in which the transition period begins shall continue to apply 1196
and the chief executive officer shall work closely with the 1197
district board and district superintendent to increase their 1198
ability to resume control of the district and sustain the 1199
district's academic improvement over time. Upon completion of 1200
the transition period, the chief executive officer shall 1201
relinquish all operational, managerial, and instructional 1202
control of the district to the district board and district 1203
superintendent and the academic distress commission shall cease 1204
to exist. 1205

(2) If the district receives an overall grade of "F" under 1206
division (C) (3) of section 3302.03 of the Revised Code at any 1207
time during the transition period, the transition period shall 1208
end and the district shall be fully subject to this section 1209
again. The district shall resume being fully subject to this 1210
section at the point it began its transition out of being 1211
subject to this section and the division in divisions (H) to (L) 1212
of this section that would have applied to the district had the 1213
district not qualified to begin its transition under division 1214
(N) (1) of this section shall apply to the district. 1215

(0) If at any time there are no longer any schools 1216

operated by the district due to reconstitution or other closure 1217
of the district's schools under this section, the academic 1218
distress commission shall cease to exist and the chief executive 1219
officer shall cease to exercise any powers with respect to the 1220
district. 1221

(P) Beginning on the effective date of this section, each 1222
collective bargaining agreement entered into by a school 1223
district board of education under Chapter 4117. of the Revised 1224
Code shall incorporate the provisions of this section. 1225

(Q) The chief executive officer, the members of the 1226
academic distress commission, the state superintendent, and any 1227
person authorized to act on behalf of or assist them shall not 1228
be personally liable or subject to any suit, judgment, or claim 1229
for damages resulting from the exercise of or failure to 1230
exercise the powers, duties, and functions granted to them in 1231
regard to their functioning under this section, but the chief 1232
executive officer, commission, state superintendent, and such 1233
other persons shall be subject to mandamus proceedings to compel 1234
performance of their duties under this section. 1235

(R) The state superintendent shall not exempt any district 1236
from this section by approving an application for an innovative 1237
education pilot program submitted by the district under section 1238
3302.07 of the Revised Code. 1239

Sec. 3302.11. (A) This section applies to any school 1240
district that becomes subject to division (K) of section 3302.10 1241
of the Revised Code, as it exists on and after the effective 1242
date of this section. 1243

(B) As used in this section, "mayor" means the mayor of 1244
the municipality in which a majority of the territory of a 1245

school district to which this section applies is located or, if 1246
no such municipality exist, the mayor of a municipality selected 1247
by the superintendent of public instruction in which the 1248
district has territory. 1249

(C) On the first day of January following the date on 1250
which this section first applies to a school district, the mayor 1251
shall appoint a new five-member board of education for the 1252
district from a slate of candidates nominated by the nominating 1253
panel established under division (D)(1) of this section. 1254

(D)(1) Not later than thirty days after the date on which 1255
this section first applies to a school district, the 1256
superintendent of public instruction shall convene a nominating 1257
panel to nominate candidates for appointment to the district 1258
board of education. The panel shall consist of the following 1259
members: 1260

(a) Two persons appointed by the mayor, one of whom shall 1261
be a representative of the business community or an institution 1262
of higher education located in the district; 1263

(b) One principal employed by the district, who shall be 1264
selected by a vote of the district's principals conducted by the 1265
state superintendent; 1266

(c) One teacher appointed by the bargaining representative 1267
for teachers employed by the district; 1268

(d) One parent of a student enrolled in the district 1269
appointed by the parent-teacher association, or a similar 1270
organization selected by the state superintendent; 1271

(e) The chairperson of the academic distress commission 1272
established for the district under section 3302.10 of the 1273
Revised Code and the chief executive officer appointed under 1274

division (C) (1) of that section, until such time as the 1275
commission ceases to exist. 1276

(2) The state superintendent shall be a nonvoting member 1277
of the panel and shall serve as chairperson of the panel for the 1278
first two years of the panel's existence. After that time, the 1279
panel shall select one of its members as chairperson. The panel 1280
shall meet as necessary to make nominations at the call of the 1281
chairperson. All members of the panel shall serve at the 1282
pleasure of their appointing authority. A vacancy on the panel 1283
shall be filled in the same manner as the initial appointment. 1284

(E) Not later than thirty days after the nominating panel 1285
is convened, the panel shall nominate a slate of at least ten 1286
candidates for possible appointment to the district board of 1287
education. All candidates shall be residents of the school 1288
district and shall hold no elected public office. At least two 1289
of the candidates shall reside outside of the municipal 1290
corporation served by the mayor, if that municipal corporation 1291
does not contain all of the district's territory. 1292

(F) Not later than thirty days after receiving the slate 1293
of candidates, the mayor shall select five members from the 1294
slate for appointment to the district board of education. 1295
Initial members of the board shall take office on the first day 1296
of January following their appointment and their terms shall 1297
expire on the thirtieth day of June following the referendum 1298
election required by division (G) (1) of this section. 1299

(G) (1) At the general election held in the first even- 1300
numbered year occurring at least three years after the date on 1301
which the academic distress commission established for the 1302
district ceases to exist pursuant to division (N) (1) of section 1303
3302.10 of the Revised Code, a referendum election shall be held 1304

to determine if the mayor shall continue to appoint the district 1305
board of education. Not later than ninety days before the 1306
general election, the board of education shall notify the board 1307
of elections of each county containing territory of the district 1308
of the referendum election. At the general election, the 1309
following question shall be submitted to the electors of the 1310
district: 1311

"Shall the mayor of . . . (here insert the name of the 1312
applicable municipal corporation) continue to appoint the 1313
members of the board of education of the . . . (here insert the 1314
name of the school district to which this section applies)?" 1315

The board of elections of the county in which the majority 1316
of the district's territory is located shall make all necessary 1317
arrangements for the submission of the question to the electors, 1318
and the election shall be conducted, canvassed, and certified in 1319
the same manner as regular elections in the district for the 1320
election of county officers, provided that in any such election 1321
in which only part of the electors of a precinct are qualified 1322
to vote, the board of elections may assign voters in such part 1323
to an adjoining precinct. Such an assignment may be made to an 1324
adjoining precinct in another county with the consent and 1325
approval of the board of elections of such other county. Notice 1326
of the election shall be published in a newspaper of general 1327
circulation in the district once a week for two consecutive 1328
weeks, or as provided in section 7.16 of the Revised Code, prior 1329
to the election. If the board of elections operates and 1330
maintains a web site, the board of elections shall post notice 1331
of the election on its web site for thirty days prior to the 1332
election. The notice shall state the question on which the 1333
election is being held. The ballot shall be in the form 1334
prescribed by the secretary of state. Costs of submitting the 1335

question to the electors shall be charged to the district in 1336
accordance with section 3501.17 of the Revised Code. 1337

(2) If a majority of the electors voting on the question 1338
proposed in division (G)(1) of this section approve the 1339
question, the mayor shall appoint a new board of education on 1340
the immediately following first day of July from a slate of 1341
candidates nominated by the nominating panel in the same manner 1342
as the initial board was appointed pursuant to divisions (E) and 1343
(F) of this section. Three of the members of the new board shall 1344
be appointed to four-year terms and two of the members shall be 1345
appointed to two-year terms, each term beginning on the first 1346
day of July. Thereafter, the mayor shall appoint members to 1347
four-year terms in the same manner prescribed in divisions (E) 1348
and (F) of this section. Whenever the nominating panel is 1349
required to nominate a slate of candidates, the panel shall 1350
nominate at least twice the number of candidates as members to 1351
be appointed to the board at that time, including two candidates 1352
who reside outside of the municipal corporation served by the 1353
mayor, if that municipal corporation does not contain all of the 1354
district's territory. Nothing in this division shall preclude 1355
the nominating panel from nominating as a candidate a person who 1356
was a member of the board prior to the referendum election or 1357
shall preclude the mayor from appointing such a person to the 1358
new board. 1359

(3) If a majority of the electors voting on the question 1360
proposed in division (G)(1) of this section disapprove the 1361
question, a new board of education shall be elected at the next 1362
regular election occurring in November of an odd-numbered year. 1363
The board shall have the same number of members as the board in 1364
place prior to the board appointed under this section. At such 1365
election, one-half of the total number of members rounded up to 1366

the next whole number shall be elected for terms of four years 1367
and the remaining members shall be elected for terms of two 1368
years. Thereafter, their successors shall be elected in the same 1369
manner and for the same terms as provided in the Revised Code 1370
for members of boards of education. All members of the board of 1371
education appointed under this section shall continue to serve 1372
after the end of the terms to which they were appointed until 1373
their successors are qualified and assume office in accordance 1374
with section 3313.09 of the Revised Code. 1375

(H) All of the following shall apply to a board of 1376
education appointed under division (F) or (G) (2) of this 1377
section: 1378

(1) At any given time, at least two of the board members 1379
shall have significant expertise in education, finance, or 1380
business management and at least one member shall reside outside 1381
of the municipal corporation served by the mayor, if that 1382
municipal corporation does not contain all of the district's 1383
territory. 1384

(2) The members of the board shall designate one of its 1385
members as the chairperson of the board. The chairperson shall 1386
have all the rights, authority, and duties conferred upon the 1387
president of a board of education by the Revised Code. 1388

(3) The mayor may remove any member of the board with the 1389
advice and consent of the nominating panel. 1390

Sec. 3302.16. (A) (1) As used in sections 3302.17 and 1391
3302.18 of the Revised Code, "community learning center" means a 1392
school operated by a city, exempted village, or local school 1393
district or community school established under Chapter 3314. of 1394
the Revised Code that participates in a coordinated, community- 1395

based effort with community partners to provide comprehensive 1396
educational, developmental, family, and health services to 1397
students, families, and community members during school hours 1398
and hours in which school is not in session. 1399

(2) For purposes of this section and sections 3302.17 and 1400
3302.18 of the Revised Code, "community partner" means a 1401
provider to students, families, or community members of health 1402
care services, on-site resource coordinators, and any other 1403
services or programs determined appropriate by a school action 1404
team created under section 3302.18 of the Revised Code. 1405

(B) Prior to providing health services to a student, a 1406
community learning center shall obtain the written consent of 1407
the student's parent, guardian, or custodian, if the student is 1408
less than eighteen years old, or the written consent of the 1409
student, if the student is at least eighteen years old. 1410

(C) A community learning center and any employee, 1411
contractor, or volunteer of a community learning center shall, 1412
in accordance with all applicable state and federal laws, 1413
maintain the confidentiality of patient-identifying information 1414
obtained in the course of providing health services. 1415

Sec. 3302.17. (A) Any school building operated by a city, 1416
exempted village, or local school district, or a community 1417
school established under Chapter 3314. of the Revised Code is 1418
eligible to initiate the community learning center process as 1419
prescribed by this section. 1420

(B) Beginning with the 2015-2016 school year, each 1421
district board of education or community school governing 1422
authority may initiate a community learning center process for 1423
any school building to which this section applies. 1424

First, the board or governing authority shall conduct a 1425
public information hearing at each school building to which this 1426
section applies to inform the community of the community 1427
learning center process. The board or governing authority may do 1428
all of the following with regard to the public information 1429
hearing: 1430

(1) Announce the meeting not less than forty-five days in 1431
advance at the school and on the school's or district's web 1432
sites and using tools to ensure effective communication with 1433
individuals with disabilities; 1434

(2) Schedule the meeting for an evening or weekend time; 1435

(3) Provide interpretation services and written materials 1436
in all languages spoken by five per cent or more of the students 1437
enrolled in the school; 1438

(4) Provide child care services for parents attending the 1439
meeting; 1440

(5) Provide parents, students, teachers, nonteaching 1441
employees, and community members with the opportunity to speak 1442
at the meeting; 1443

(6) Comply with section 149.43 of the Revised Code. 1444

In preparing for the public information hearing, the board 1445
or governing authority shall ensure that information about the 1446
hearing is broadly distributed throughout the community. 1447

The board or governing authority may enter into an 1448
agreement with any civic engagement organizations, community 1449
organizations, or employee organizations to support the 1450
implementation of the community learning center process. 1451

The board or governing authority shall conduct a follow-up 1452

hearing at least once annually until action is further taken 1453
under the section with respect to the school building or until 1454
the conditions described in division (A) of this section no 1455
longer apply to the school building. 1456

(C) Not sooner than forty-five days after the first public 1457
information hearing, the board or governing authority shall 1458
conduct an election, by paper ballot, to initiate the process to 1459
become a community learning center. Only parents or guardians of 1460
students enrolled in the school and students enrolled in a 1461
different school operated by a joint vocational school district 1462
but are otherwise entitled to attend the school, and teachers 1463
and nonteaching employees who are assigned to the school may 1464
vote in the election. 1465

The board or governing authority shall distribute the 1466
ballots by mail and shall make copies available at the school 1467
and on the web site of the school. The board or governing 1468
authority also may distribute the ballots by directly giving 1469
ballots to teachers and nonteaching employees and sending home 1470
ballots with every student enrolled in the school building. 1471

(D) The board or governing authority shall initiate the 1472
transition of the building to a community learning center if the 1473
results of the election held under division (C) of this section 1474
are as follows: 1475

(1) At least fifty per cent of parents and guardians of 1476
students enrolled in the eligible school building and students 1477
enrolled in a different building operated by a joint vocational 1478
school district but who are entitled to attend the school cast 1479
ballots by a date set by the board or governing authority, and 1480
of those ballots at least sixty-seven per cent are in favor of 1481
initiating the process; and 1482

(2) At least fifty per cent of teachers and nonteaching 1483
employees who are assigned to the school cast ballots by a date 1484
set by the board or governing authority, and of those ballots at 1485
least sixty-seven per cent are in favor of initiating the 1486
process. 1487

(E) If a community learning center process is initiated 1488
under this section, the board or governing authority shall 1489
create a school action team under section 3302.18 of the Revised 1490
Code. Within four months upon selection, the school action team 1491
shall conduct and complete, in consultation with community 1492
partners, a performance audit of the school and review, with 1493
parental input, the needs of the school with regard to 1494
restructuring under section 3302.10, 3302.12, or 3302.042 of the 1495
Revised Code, or federal law. 1496

The school action team shall provide quarterly updates of 1497
its work in a public hearing that complies with the same 1498
specifications prescribed in division (B) of this section. 1499

(F) Upon completion of the audit and review, the school 1500
action team shall present its findings at a public hearing that 1501
complies with the same specifications prescribed in division (B) 1502
of this section. After the school action team presents its 1503
findings at the public hearing, it shall create a community 1504
learning center improvement plan that designates appropriate 1505
interventions, which may be based on the recommendations 1506
developed by the department under division (H) (1) (b) of this 1507
section. 1508

If there is a federally mandated school improvement 1509
planning process, the team shall coordinate its work with that 1510
plan. 1511

The school action team shall approve the plan by a 1512
majority vote. 1513

(G) Upon approval of the plan by the school action team, 1514
the team shall submit the community learning center improvement 1515
plan to the same individuals described in division (C) of this 1516
section. Ballots shall be distributed and an election shall be 1517
conducted in the same manner as indicated under that division. 1518

The school action team shall submit the plan to the 1519
district board of education or community school governing 1520
authority, if the results of the election under division (G) of 1521
this section are as follows: 1522

(1) At least thirty per cent of parents and guardians of 1523
students enrolled in the eligible school building and students 1524
enrolled in a different building operated by a joint vocational 1525
school district but who are entitled to attend the school cast 1526
ballots by a date set by the board or governing authority, and 1527
of those ballots at least fifty per cent are in favor of 1528
initiating the process; and 1529

(2) At least thirty per cent of teachers and nonteaching 1530
employees who are assigned to the school cast ballots by a date 1531
set by the board or governing authority, and of those ballots at 1532
least fifty per cent are in favor of initiating the process. 1533

The board or governing authority shall evaluate the plan 1534
and determine whether to adopt it. The board or governing 1535
authority shall adopt the plan in full or adopt portions of the 1536
plan. If the board or governing authority does not adopt the 1537
plan in full, it shall provide a written explanation of why 1538
portions of the plan were rejected. 1539

(H) (1) The department shall do all of the following with 1540

<u>respect to this section:</u>	1541
<u>(a) Adopt rules regarding the elections required under</u>	1542
<u>this section;</u>	1543
<u>(b) Develop appropriate interventions for a community</u>	1544
<u>learning center improvement plan that may be used by a school</u>	1545
<u>action team under division (F) of this section;</u>	1546
<u>(c) Publish a menu of programs and services that may be</u>	1547
<u>offered by community learning centers. The information shall be</u>	1548
<u>posted on the department's web site. To compile this information</u>	1549
<u>the department shall solicit input from resource coordinators of</u>	1550
<u>existing community learning centers;</u>	1551
<u>(d) Provide information regarding implementation of</u>	1552
<u>comprehensive community-based programs and supportive services</u>	1553
<u>including the community learning center model to school</u>	1554
<u>buildings meeting any of the following conditions:</u>	1555
<u>(i) The building is in improvement status as defined by</u>	1556
<u>the "No Child Left Behind Act of 2001" or under an agreement</u>	1557
<u>between the Ohio department of education and the United States</u>	1558
<u>secretary of education.</u>	1559
<u>(ii) The building is a secondary school that is among the</u>	1560
<u>lowest achieving fifteen per cent of secondary schools</u>	1561
<u>statewide, as determined by the department.</u>	1562
<u>(iii) The building is a secondary school with a graduation</u>	1563
<u>rate of sixty per cent or lower for three or more consecutive</u>	1564
<u>years.</u>	1565
<u>(iv) The building is a school that the department</u>	1566
<u>determines is persistently low-performing.</u>	1567
<u>(2) The department may do the following with respect to</u>	1568

this section: 1569

(a) Provide assistance, facilitation, and training to 1570
school action teams in the conducting of the audit required 1571
under this section; 1572

(b) Provide opportunities for members of school action 1573
teams from different schools to share school improvement 1574
strategies with parents, teachers, and other relevant 1575
stakeholders in higher performing schools; 1576

(c) Provide financial support in a school action team's 1577
planning process and create a grant program to assist in the 1578
implementation of a qualified community learning center plan. 1579

(I) Notwithstanding any provision to the contrary in 1580
Chapter 4117. of the Revised Code, the requirements of this 1581
section prevail over any conflicting provisions of a collective 1582
bargaining agreement entered into on or after the effective date 1583
of this section. However, the board or governing authority and 1584
the teachers' labor organization may negotiate additional 1585
factors to be considered in the adoption of a community learning 1586
center plan. 1587

Sec. 3302.18. (A) (1) If a community learning center 1588
process is initiated under section 3302.17 of the Revised Code 1589
for any school building operated by a city, exempted village, or 1590
local school district or a community school established under 1591
Chapter 3314. of the Revised Code, the district board of 1592
education or community school governing authority shall create a 1593
school action team for the school building. The team shall 1594
consist of twelve members, as follows: 1595

(a) Seven individuals, consisting of parents or guardians 1596
of students enrolled in the school and members of the community 1597

who are not teachers or nonteaching employees, as elected by 1598
their peers; 1599

(b) Five teachers and nonteaching employees who are 1600
assigned to the school building and are not parents or guardians 1601
of students enrolled in the school, as elected by their peers. 1602

(2) To assist a school action team initiated under section 1603
3302.17 of the Revised Code, the district board, community 1604
school governing authority, or community partner shall select an 1605
individual who is employed by the district, school, or community 1606
partner to serve as the resource coordinator for the community 1607
learning center. The school action team shall make 1608
recommendations to the board, governing authority, or community 1609
partner on potential candidates. The resource coordinator shall 1610
not be considered a member of a school action team. The resource 1611
coordinator shall assist in the development and coordination of 1612
programs and services for the community learning center. 1613

(B) All members of a school action team shall serve as 1614
voting members. Terms of office shall be for three years, and 1615
vacancies shall be filled in the same manner as the original 1616
appointment. 1617

Members shall serve without compensation. 1618

(C) In addition to the responsibilities listed in section 1619
3302.17 of the Revised Code, the school action team shall do all 1620
of the following: 1621

(1) Monitor and assist in the implementation of the school 1622
improvement plan, if adopted; 1623

(2) Meet with candidates for principal and other 1624
administrative positions and make recommendations to the 1625
superintendent and board of education of the district or 1626

<u>governing authority of the community school;</u>	1627
<u>(3) Advise on school budgets;</u>	1628
<u>(4) Establish ongoing mechanisms that engage students, parents, and community members in the school;</u>	1629 1630
<u>(5) Continue to collect feedback and information from parents using an annual survey;</u>	1631 1632
<u>(6) Develop and approve a written parent involvement policy that outlines the role of parents and guardians in the school;</u>	1633 1634 1635
<u>(7) Monitor school progress on data related to academic achievement; attendance, suspensions, and expulsions; graduation rates; and reclassifications disaggregated by major racial and ethnic groups, limited English proficient students, economically disadvantaged students, and students with disabilities;</u>	1636 1637 1638 1639 1640
<u>(8) Receive regular updates from the principal on policy matters affecting the school and provide advice on such matters;</u>	1641 1642
<u>(9) Meet regularly with parents and community members to discuss policy matters affecting the school.</u>	1643 1644
Sec. 3310.02. (A) The educational choice scholarship pilot program is hereby established. Under the program, the department of education annually shall pay scholarships to attend chartered nonpublic schools in accordance with section 3310.08 of the Revised Code for up to the following number of eligible students:	1645 1646 1647 1648 1649 1650
(1) Thirty thousand in the 2011-2012 school year;	1651
(2) Sixty thousand in the 2012-2013 school year and thereafter.	1652 1653

(B) If the number of students who apply for a scholarship exceeds the number of scholarships available under division (A) of this section for the applicable school year, the department shall award scholarships in the following order of priority:

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

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

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

(4) Fourth, to eligible students with family incomes at or below two hundred per cent of the federal poverty guidelines who qualify under division (D) of section 3310.03 of the Revised Code. If the number of students described in division (B) (4) of this section who apply for a scholarship exceeds the number of available scholarships after awards are made under divisions (B)

(1) to (3) of this section, the department shall select students 1684
described in division (B) (4) of this section by lot to receive 1685
any remaining scholarships. 1686

(5) Fifth, to other eligible students who qualify under 1687
division (D) of section 3310.03 of the Revised Code. If the 1688
number of students described in division (B) (5) of this section 1689
who apply for a scholarship exceeds the number of available 1690
scholarships after awards are made under divisions (B) (1) to (4) 1691
of this section, the department shall select students described 1692
in division (B) (5) of this section by lot to receive any 1693
remaining scholarships. 1694

(6) Sixth, to eligible students with family incomes at or 1695
below two hundred per cent of the federal poverty guidelines who 1696
qualify under division (B) of section 3310.03 of the Revised 1697
Code. If the number of students described in division (B) (6) of 1698
this section who apply for a scholarship exceeds the number of 1699
available scholarships after awards are made under divisions (B) 1700
(1) to (5) of this section, the department shall select students 1701
described in division (B) (6) of this section by lot to receive 1702
any remaining scholarships. 1703

(7) Seventh, to other eligible students who qualify under 1704
division (B) of section 3310.03 of the Revised Code. If the 1705
number of students described in division (B) (7) of this section 1706
who apply for a scholarship exceeds the number of available 1707
scholarships after awards are made under divisions (B) (1) to (6) 1708
of this section, the department shall select students described 1709
in division (B) (7) of this section by lot to receive any 1710
remaining scholarships. 1711

Sec. 3310.03. A student is an "eligible student" for 1712
purposes of the educational choice scholarship pilot program if 1713

the student's resident district is not a school district in 1714
which the pilot project scholarship program is operating under 1715
sections 3313.974 to 3313.979 of the Revised Code and the 1716
student satisfies one of the conditions in division (A), (B), 1717
(C), ~~(D)~~, or (E) of this section: 1718

(A) (1) The student is enrolled in a school building 1719
operated by the student's resident district that, on the report 1720
card issued under section 3302.03 of the Revised Code published 1721
prior to the first day of July of the school year for which a 1722
scholarship is sought, did not receive a rating as described in 1723
division (H) of this section, and to which any or a combination 1724
of any of the following apply for two of the three most recent 1725
report cards published prior to the first day of July of the 1726
school year for which a scholarship is sought: 1727

(a) The building was declared to be in a state of academic 1728
emergency or academic watch under section 3302.03 of the Revised 1729
Code as that section existed prior to March 22, 2013. 1730

(b) The building received a grade of "D" or "F" for the 1731
performance index score under division (A) (1) (b) or (B) (1) (b) of 1732
section 3302.03 of the Revised Code and for the value-added 1733
progress dimension under division (A) (1) (e) or (B) (1) (e) of 1734
section 3302.03 of the Revised Code for the 2012-2013 or 2013- 1735
2014 school year, or both; or if the building serves only grades 1736
ten through twelve, the building received a grade of "D" or "F" 1737
for the performance index score under division (A) (1) (b) or (B) 1738
(1) (b) of section 3302.03 of the Revised Code and had a four- 1739
year adjusted cohort graduation rate of less than seventy-five 1740
per cent. 1741

(c) The building received an overall grade of "D" or "F" 1742
under division (C) (3) of section 3302.03 of the Revised Code or 1743

a grade of "F" for the value-added progress dimension under 1744
division (C) (1) (e) of section 3302.03 of the Revised Code for 1745
the 2014-2015 school year or any school year thereafter. 1746

(2) The student will be enrolling in any of grades 1747
kindergarten through twelve in this state for the first time in 1748
the school year for which a scholarship is sought, will be at 1749
least five years of age by the first day of January of the 1750
school year for which a scholarship is sought, and otherwise 1751
would be assigned under section 3319.01 of the Revised Code in 1752
the school year for which a scholarship is sought, to a school 1753
building described in division (A) (1) of this section. 1754

(3) The student is enrolled in a community school 1755
established under Chapter 3314. of the Revised Code but 1756
otherwise would be assigned under section 3319.01 of the Revised 1757
Code to a building described in division (A) (1) of this section. 1758

(4) The student is enrolled in a school building operated 1759
by the student's resident district or in a community school 1760
established under Chapter 3314. of the Revised Code and 1761
otherwise would be assigned under section 3319.01 of the Revised 1762
Code to a school building described in division (A) (1) of this 1763
section in the school year for which the scholarship is sought. 1764

(5) The student will be both enrolling in any of grades 1765
kindergarten through twelve in this state for the first time and 1766
at least five years of age by the first day of January of the 1767
school year for which a scholarship is sought, or is enrolled in 1768
a community school established under Chapter 3314. of the 1769
Revised Code, and all of the following apply to the student's 1770
resident district: 1771

(a) The district has in force an intradistrict open 1772

enrollment policy under which no student in the student's grade level is automatically assigned to a particular school building; 1773
1774

(b) In the most recent rating published prior to the first day of July of the school year for which scholarship is sought, the district did not receive a rating described in division (H) of this section, and in at least two of the three most recent report cards published prior to the first day of July of that school year, any or a combination of the following apply to the district: 1775
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1781

(i) The district was declared to be in a state of academic emergency under section 3302.03 of the Revised Code as it existed prior to March 22, 2013. 1782
1783
1784

(ii) The district received a grade of "D" or "F" for the performance index score under division (A) (1) (b) or (B) (1) (b) of section 3302.03 of the Revised Code and for the value-added progress dimension under division (A) (1) (e) or (B) (1) (e) of section 3302.03 of the Revised Code for the 2012-2013 or 2013-2014 school year, or both. 1785
1786
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1790

(c) The district received an overall grade of "D" or "F" under division (C) (3) of section 3302.03 of the Revised Code or a grade of "F" for the value-added progress dimension under division (C) (1) (e) of section 3302.03 of the Revised Code for the 2014-2015 school year or any school year thereafter. 1791
1792
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(6) Beginning in the 2016-2017 school year, the student is enrolled in or will be enrolling in a building in the school year for which the scholarship is sought that serves any of grades nine through twelve and that received a grade of "D" or "F" for the four-year adjusted cohort graduation rate under division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of section 3302.03 1796
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1801

of the Revised Code in two of the three most recent report cards 1802
published prior to the first day of July of the school year for 1803
which a scholarship is sought. 1804

(B) (1) The student is enrolled in a school building 1805
operated by the student's resident district and to which both of 1806
the following apply: 1807

(a) The building was ranked, for at least two of the three 1808
most recent rankings published under section 3302.21 of the 1809
Revised Code prior to the first day of July of the school year 1810
for which a scholarship is sought, in the lowest ten per cent of 1811
all public school buildings according to performance index score 1812
under section 3302.21 of the Revised Code. 1813

(b) The building was not declared to be excellent or 1814
effective, or the equivalent of such ratings as determined by 1815
the department of education, under section 3302.03 of the 1816
Revised Code in the most recent rating published prior to the 1817
first day of July of the school year for which a scholarship is 1818
sought. 1819

(2) The student will be enrolling in any of grades 1820
kindergarten through twelve in this state for the first time in 1821
the school year for which a scholarship is sought, will be at 1822
least five years of age, as defined in section 3321.01 of the 1823
Revised Code, by the first day of January of the school year for 1824
which a scholarship is sought, and otherwise would be assigned 1825
under section 3319.01 of the Revised Code in the school year for 1826
which a scholarship is sought, to a school building described in 1827
division (B) (1) of this section. 1828

(3) The student is enrolled in a community school 1829
established under Chapter 3314. of the Revised Code but 1830

otherwise would be assigned under section 3319.01 of the Revised Code to a building described in division (B) (1) of this section.

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

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

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

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

(2) The building did not receive a grade of "A" for making progress in improving literacy in grades kindergarten through three under division (B) (1) (g) or (C) (1) (g) of section 3302.03

of the Revised Code in the most recent rating published prior to 1860
the first day of July of the school year for which a scholarship 1861
is sought. 1862

(E) The student's resident district is subject to section 1863
3302.10 of the Revised Code and the student either: 1864

(1) Is enrolled in a school building operated by the 1865
resident district or in a community school established under 1866
Chapter 3314. of the Revised Code; 1867

(2) Will be both enrolling in any of grades kindergarten 1868
through twelve in this state for the first time and at least 1869
five years of age by the first day of January of the school year 1870
for which a scholarship is sought. 1871

(F) A student who receives a scholarship under the 1872
educational choice scholarship pilot program remains an eligible 1873
student and may continue to receive scholarships in subsequent 1874
school years until the student completes grade twelve, so long 1875
as all of the following apply: 1876

(1) The student's resident district remains the same, or 1877
the student transfers to a new resident district and otherwise 1878
would be assigned in the new resident district to a school 1879
building described in division (A) (1), (B) (1), ~~or (D)~~, or (E) of 1880
this section; 1881

(2) The student takes each assessment prescribed for the 1882
student's grade level under section 3301.0710 or 3301.0712 of 1883
the Revised Code while enrolled in a chartered nonpublic school; 1884

(3) In each school year that the student is enrolled in a 1885
chartered nonpublic school, the student is absent from school 1886
for not more than twenty days that the school is open for 1887
instruction, not including excused absences. 1888

~~(F)~~(G)(1) The department shall cease awarding first-time 1889
scholarships pursuant to divisions (A) (1) to (4) of this section 1890
with respect to a school building that, in the most recent 1891
ratings of school buildings published under section 3302.03 of 1892
the Revised Code prior to the first day of July of the school 1893
year, ceases to meet the criteria in division (A) (1) of this 1894
section. The department shall cease awarding first-time 1895
scholarships pursuant to division (A) (5) of this section with 1896
respect to a school district that, in the most recent ratings of 1897
school districts published under section 3302.03 of the Revised 1898
Code prior to the first day of July of the school year, ceases 1899
to meet the criteria in division (A) (5) of this section. 1900

(2) The department shall cease awarding first-time 1901
scholarships pursuant to divisions (B) (1) to (4) of this section 1902
with respect to a school building that, in the most recent 1903
ratings of school buildings under section 3302.03 of the Revised 1904
Code prior to the first day of July of the school year, ceases 1905
to meet the criteria in division (B) (1) of this section. 1906

(3) The department shall cease awarding first-time 1907
scholarships pursuant to division (D) of this section with 1908
respect to a school building that, in the most recent ratings of 1909
school buildings under section 3302.03 of the Revised Code prior 1910
to the first day of July of the school year, ceases to meet the 1911
criteria in division (D) of this section. 1912

(4) The department shall cease awarding first-time 1913
scholarships pursuant to division (E) of this section with 1914
respect to a school district subject to section 3302.10 of the 1915
Revised Code when the academic distress commission established 1916
for the district ceases to exist. 1917

(5) However, students who have received scholarships in 1918

the prior school year remain eligible students pursuant to 1919
division ~~(E)~~(F) of this section. 1920

~~(G)~~(H) The state board of education shall adopt rules 1921
defining excused absences for purposes of division ~~(E)~~(F)(3) of 1922
this section. 1923

~~(H)~~(I)(1) A student who satisfies only the conditions 1924
prescribed in divisions (A) (1) to (4) of this section shall not 1925
be eligible for a scholarship if the student's resident building 1926
meets any of the following in the most recent rating under 1927
section 3302.03 of the Revised Code published prior to the first 1928
day of July of the school year for which a scholarship is 1929
sought: 1930

(a) The building has an overall designation of excellent 1931
or effective under section 3302.03 of the Revised Code as it 1932
existed prior to March 22, 2013. 1933

(b) For the 2012-2013 or 2013-2014 school year or both, 1934
the building has a grade of "A" or "B" for the performance index 1935
score under division (A) (1) (b) or (B) (1) (b) of section 3302.03 1936
of the Revised Code and for the value-added progress dimension 1937
under division (A) (1) (e) or (B) (1) (e) of section 3302.03 of the 1938
Revised Code; or if the building serves only grades ten through 1939
twelve, the building received a grade of "A" or "B" for the 1940
performance index score under division (A) (1) (b) or (B) (1) (b) of 1941
section 3302.03 of the Revised Code and had a four-year adjusted 1942
cohort graduation rate of greater than or equal to seventy-five 1943
per cent. 1944

(c) For the 2014-2015 school year or any school year 1945
thereafter, the building has a grade of "A" or "B" under 1946
division (C) (3) of section 3302.03 of the Revised Code and a 1947

grade of "A" for the value-added progress dimension under 1948
division (C) (1) (e) of section 3302.03 of the Revised Code; or if 1949
the building serves only grades ten through twelve, the building 1950
received a grade of "A" or "B" for the performance index score 1951
under division (C) (1) (b) of section 3302.03 of the Revised Code 1952
and had a four-year adjusted cohort graduation rate of greater 1953
than or equal to seventy-five per cent. 1954

(2) A student who satisfies only the conditions prescribed 1955
in division (A) (5) of this section shall not be eligible for a 1956
scholarship if the student's resident district meets any of the 1957
following in the most recent rating under section 3302.03 of the 1958
Revised Code published prior to the first day of July of the 1959
school year for which a scholarship is sought: 1960

(a) The district has an overall designation of excellent 1961
or effective under section 3302.03 of the Revised Code as it 1962
existed prior to March 22, 2013. 1963

(b) The district has a grade of "A" or "B" for the 1964
performance index score under division (A) (1) (b) or (B) (1) (b) of 1965
section 3302.03 of the Revised Code and for the value-added 1966
progress dimension under division (A) (1) (e) or (B) (1) (e) of 1967
section 3302.03 of the Revised Code for the 2012-2013 and 2013- 1968
2014 school years. 1969

(c) The district has an overall grade of "A" or "B" under 1970
division (C) (3) of section 3302.03 of the Revised Code and a 1971
grade of "A" for the value-added progress dimension under 1972
division (C) (1) (e) of section 3302.03 of the Revised Code for 1973
the 2014-2015 school year or any school year thereafter. 1974

Sec. 3310.032. (A) A student is an "eligible student" for 1975
purposes of the expansion of the educational choice scholarship 1976

pilot program under this section if the student's resident district is not a school district in which the pilot project scholarship program is operating under sections 3313.974 to 3313.979 of the Revised Code, the student is not eligible for an educational choice scholarship under section 3310.03 of the Revised Code, and the student's family income is at or below two hundred per cent of the federal poverty guidelines, as defined in section 5101.46 of the Revised Code.

(B) In each fiscal year for which the general assembly appropriates funds for purposes of this section, the department of education shall pay scholarships to attend chartered nonpublic schools in accordance with section 3310.08 of the Revised Code. The number of scholarships awarded under this section shall not exceed the number that can be funded with appropriations made by the general assembly for this purpose.

(C) Scholarships under this section shall be awarded as follows:

(1) For the 2013-2014 school year, to eligible students who are entering kindergarten in that school year for the first time;

(2) For each subsequent school year, scholarships shall be awarded to eligible students in the next grade level above the highest grade level awarded in the preceding school year, in addition to the grade levels for which students received scholarships in the preceding school year.

(D) If the number of eligible students who apply for a scholarship under this section exceeds the scholarships available based on the appropriation for this section, the department shall award scholarships in the following order of

priority: 2006

(1) First, to eligible students who received scholarships 2007
under this section in the prior school year; 2008

(2) Second, to eligible students with family incomes at or 2009
below one hundred per cent of the federal poverty guidelines. If 2010
the number of students described in division (D) (2) of this 2011
section who apply for a scholarship exceeds the number of 2012
available scholarships after awards are made under division (D) 2013
(1) of this section, the department shall select students 2014
described in division (D) (2) of this section by lot to receive 2015
any remaining scholarships. 2016

(3) Third, to other eligible students who qualify under 2017
this section. If the number of students described in division 2018
(D) (3) of this section exceeds the number of available 2019
scholarships after awards are made under divisions (D) (1) and 2020
(2) of this section, the department shall select students 2021
described in division (D) (3) of this section by lot to receive 2022
any remaining scholarships. 2023

(E) Subject to divisions (E) (1) to (3) of this section, a 2024
student who receives a scholarship under this section remains an 2025
eligible student and may continue to receive scholarships under 2026
this section in subsequent school years until the student 2027
completes grade twelve, so long as the student satisfies the 2028
conditions specified in divisions ~~(E)~~(F) (2) and (3) of section 2029
3310.03 of the Revised Code. 2030

Once a scholarship is awarded under this section, the 2031
student shall remain eligible for that scholarship for the 2032
current school year and subsequent school years even if the 2033
student's family income rises above the amount specified in 2034

division (A) of this section, provided the student remains 2035
enrolled in a chartered nonpublic school, however: 2036

(1) If the student's family income is above two hundred 2037
per cent but at or below three hundred per cent of the federal 2038
poverty guidelines, the student shall receive a scholarship in 2039
the amount of seventy-five per cent of the full scholarship 2040
amount. 2041

(2) If the student's family income is above three hundred 2042
per cent but at or below four hundred per cent of the federal 2043
poverty guidelines, the student shall receive a scholarship in 2044
the amount of fifty per cent of the full scholarship amount. 2045

(3) If the student's family income is above four hundred 2046
per cent of the federal poverty guidelines, the student is no 2047
longer eligible to receive an educational choice scholarship. 2048

Sec. 3310.035. (A) A student who is eligible for an 2049
educational choice scholarship under both sections 3310.03 and 2050
3310.032 of the Revised Code, and applies for a scholarship for 2051
the first time after ~~the effective date of this section~~ 2052
September 29, 2013, shall receive a scholarship under section 2053
3310.03 of the Revised Code. 2054

(B) A student who is eligible under both sections 3310.03 2055
and 3310.032 of the Revised Code and received a scholarship in 2056
the previous school year shall continue to receive the 2057
scholarship under the section from which the student received 2058
the scholarship in the previous school year, so long as: 2059

(1) The number of students who apply for a scholarship 2060
does not exceed the number of scholarships available under 2061
division (A) of section 3310.02 of the Revised Code. 2062

(2) A student who receives a scholarship under section 2063

3310.03 of the Revised Code satisfies with the conditions 2064
specified in divisions ~~(E)~~(F)(1) to (3) of that section, and a 2065
student who receives a scholarship under section 3310.032 2066
satisfies with the conditions specified in divisions (E) (2) and 2067
(3) of section 3310.03 of the Revised Code. 2068

Sec. 3311.29. (A) Except as provided under division (B) ~~or~~ 2069
(C), or (D) of this section, no school district shall be 2070
created and no school district shall exist which does not 2071
maintain within such district public schools consisting of 2072
grades kindergarten through twelve and any such existing school 2073
district not maintaining such schools shall be dissolved and its 2074
territory joined with another school district or districts by 2075
order of the state board of education if no agreement is made 2076
among the surrounding districts voluntarily, which order shall 2077
provide an equitable division of the funds, property, and 2078
indebtedness of the dissolved school district among the 2079
districts receiving its territory. The state board of education 2080
may authorize exceptions to school districts where topography, 2081
sparsity of population, and other factors make compliance 2082
impracticable. 2083

The superintendent of public instruction is without 2084
authority to distribute funds under Chapter 3317. of the Revised 2085
Code to any school district that does not maintain schools with 2086
grades kindergarten through twelve and to which no exception has 2087
been granted by the state board of education. 2088

(B) Division (A) of this section does not apply to any 2089
joint vocational school district or any cooperative education 2090
school district established pursuant to divisions (A) to (C) of 2091
section 3311.52 of the Revised Code. 2092

(C) (1) (a) Except as provided in division (C) (3) of this 2093

section, division (A) of this section does not apply to any 2094
cooperative education school district established pursuant to 2095
section 3311.521 of the Revised Code nor to the city, exempted 2096
village, or local school districts that have territory within 2097
such a cooperative education district. 2098

(b) The cooperative district and each city, exempted 2099
village, or local district with territory within the cooperative 2100
district shall maintain the grades that the resolution adopted 2101
or amended pursuant to section 3311.521 of the Revised Code 2102
specifies. 2103

(2) Any cooperative education school district described 2104
under division (C)(1) of this section that fails to maintain the 2105
grades it is specified to operate shall be dissolved by order of 2106
the state board of education unless prior to such an order the 2107
cooperative district is dissolved pursuant to section 3311.54 of 2108
the Revised Code. Any such order shall provide for the equitable 2109
adjustment, division, and disposition of the assets, property, 2110
debts, and obligations of the district among each city, local, 2111
and exempted village school district whose territory is in the 2112
cooperative district and shall provide that the tax duplicate of 2113
each city, local, and exempted village school district whose 2114
territory is in the cooperative district shall be bound for and 2115
assume its share of the outstanding indebtedness of the 2116
cooperative district. 2117

(3) If any city, exempted village, or local school 2118
district described under division (C)(1) of this section fails 2119
to maintain the grades it is specified to operate the 2120
cooperative district within which it has territory shall be 2121
dissolved in accordance with division (C)(2) of this section and 2122
upon that dissolution any city, exempted village, or local 2123

district failing to maintain grades kindergarten through twelve 2124
shall be subject to the provisions for dissolution in division 2125
(A) of this section. 2126

(D) Division (A) of this section does not apply to any 2127
school district that is or has ever been subject to section 2128
3302.10 of the Revised Code, as it exists on and after the 2129
effective date of this amendment, and has had a majority of its 2130
schools reconstituted or closed under that section. 2131

Sec. 3314.102. (A) As used in this section, ~~"municipal~~ : 2132

(1) "Chief executive officer" means a chief executive 2133
officer appointed by an academic distress commission pursuant to 2134
section 3302.10 of the Revised Code. 2135

(2) "Municipal school district" and "mayor" have the same 2136
meanings as in section 3311.71 of the Revised Code. 2137

(B) Notwithstanding section 3314.10 and sections 4117.03 2138
to 4117.18 of the Revised Code and Section 4 of Amended 2139
Substitute Senate Bill No. 133 of the 115th general assembly, 2140
the employees of a conversion community school that is sponsored 2141
by the board of education of a municipal school district or a 2142
school district for which an academic distress commission has 2143
been established under section 3302.10 of the Revised Code shall 2144
cease to be subject to any future collective bargaining 2145
agreement, if the mayor or chief executive officer submits to 2146
the board of education sponsoring the school and to the state 2147
employment relations board a statement requesting that all 2148
employees of the community school be removed from a collective 2149
bargaining unit. The employees of the community school who are 2150
covered by a collective bargaining agreement in effect on the 2151
date the mayor or chief executive officer submits the statement 2152

shall remain subject to that collective bargaining agreement 2153
until the collective bargaining agreement expires on its terms. 2154
Upon expiration of that collective bargaining agreement, the 2155
employees of that school are not subject to Chapter 4117. of the 2156
Revised Code and may not organize or collectively bargain 2157
pursuant to that chapter. 2158

Section 2. That existing sections 133.06, 3302.01, 2159
3302.036, 3302.04, 3310.02, 3310.03, 3310.032, 3310.035, 2160
3311.29, and 3314.102 and section 3302.10 of the Revised Code 2161
are hereby repealed. 2162

Section 3. It is not the intent of this act to impact or 2163
otherwise limit any provisions of state law relating to parental 2164
consent for an abortion. 2165

Section 4. Notwithstanding the repeal of section 3302.10 2166
of the Revised Code by this act, if an academic distress 2167
commission established for a school district under that former 2168
section is still in existence on the effective date of this 2169
section and the district does not qualify for an academic 2170
distress commission under section 3302.10 of the Revised Code as 2171
it exists on and after the effective date of this section, the 2172
district shall remain subject to former section 3302.10 of the 2173
Revised Code as it existed prior to the effective date of this 2174
section until the commission established for the district ceases 2175
to exist pursuant to division (L) of that former section or the 2176
district qualifies for an academic distress commission under 2177
section 3302.10 of the Revised Code as it exists on and after 2178
the effective date of this section. 2179

Section 5. Not later than January 15, 2016, the 2180
Superintendent of Public Instruction shall submit to the General 2181
Assembly recommendations regarding academic performance bonus 2182

payments to school districts; community schools; science, 2183
technology, engineering, and mathematics schools; and chartered 2184
nonpublic schools under division (M) of section 3302.10 of the 2185
Revised Code as enacted by this act. The recommendations shall 2186
address the following: 2187

(A) The amount of the academic performance bonus payments; 2188

(B) A method for distributing the academic performance 2189
bonus payments in conjunction with payments for: 2190

(1) Open enrollment under section 3313.98 of the Revised 2191
Code; 2192

(2) Educational choice scholarships awarded under sections 2193
3310.01 to 3310.17 of the Revised Code; 2194

(3) Community school funding under section 3314.08 of the 2195
Revised Code; 2196

(4) STEM school funding under section 3326.33 of the 2197
Revised Code. 2198

(C) The measures and expectations of academic 2199
accountability required for districts and schools to receive the 2200
academic performance bonus payments. 2201

Section 6. (A) If the requirement to assign an overall 2202
letter grade for school districts under division (C) of section 2203
3302.03 of the Revised Code is delayed beyond the report card 2204
issued for the 2015-2016 school year, the Department of 2205
Education shall use the following equivalencies for the purposes 2206
of section 3302.10 of the Revised Code until such time as the 2207
Department is authorized to assign an overall letter grade for 2208
districts: 2209

(1) A combination of a grade of "C" or higher for the 2210

performance index score and a grade of "C" or higher for the 2211
value-added progress dimension under division (C) of section 2212
3302.03 of the Revised Code shall be equivalent to an overall 2213
letter grade of "C" or higher. 2214

(2) A combination of a grade of "F" for the performance 2215
index score and a grade of "F" for the value-added progress 2216
dimension under division (C) of section 3302.03 of the Revised 2217
Code shall be equivalent to an overall letter grade of "F." 2218

(B) The equivalencies established in this section shall 2219
not be used for any purpose other than as prescribed in this 2220
section. 2221

Section 7. Section 133.06 of the Revised Code is presented 2222
in this act as a composite of the section as amended by both Am. 2223
Sub. H.B. 483 and Am. Sub. H.B. 487 of the 130th General 2224
Assembly. The General Assembly, applying the principle stated in 2225
division (B) of section 1.52 of the Revised Code that amendments 2226
are to be harmonized if reasonably capable of simultaneous 2227
operation, finds that the composite is the resulting version of 2228
the section in effect prior to the effective date of the section 2229
as presented in this act. 2230