

**As Concurred by the House**

**131st General Assembly**

**Regular Session**

**2015-2016**

**Am. Sub. H. B. No. 70**

**Representatives Driehaus, Brenner**

**Cosponsors: Representatives Henne, Strahorn, Blessing, Curtin, Smith, R.,  
Amstutz, Anielski, Baker, Barnes, Butler, Derickson, Green, Grossman, Hackett,  
Hambley, Hayes, Huffman, Johnson, T., Kunze, LaTourette, McClain, Perales,  
Ruhl, Schaffer, Scherer, Slaby, Slesnick, Terhar, Young, Speaker Rosenberger  
Senators Hite, Coley**

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**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 additional funds from state or federal sources to meet the	99 100

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 129

emergency if it determines both of the following: 130

(a) School buildings or other necessary school facilities 131  
in the district have been wholly or partially destroyed, or 132  
condemned by a constituted public authority, or that such 133  
buildings or facilities are partially constructed, or so 134  
constructed or planned as to require additions and improvements 135  
to them before the buildings or facilities are usable for their 136  
intended purpose, or that corrections to permanent improvements 137  
are necessary to remove or prevent health or safety hazards. 138

(b) Existing fiscal and net indebtedness limitations make 139  
adequate replacement, additions, or improvements impossible. 140

(2) Upon the declaration of an emergency, the board of 141  
education may, by resolution, submit to the electors of the 142  
district pursuant to section 133.18 of the Revised Code the 143  
question of issuing securities for the purpose of paying the 144  
cost, in excess of any insurance or condemnation proceeds 145  
received by the district, of permanent improvements to respond 146  
to the emergency need. 147

(3) The procedures for the election shall be as provided 148  
in section 133.18 of the Revised Code, except that: 149

(a) The form of the ballot shall describe the emergency 150  
existing, refer to this division as the authority under which 151  
the emergency is declared, and state that the amount of the 152  
proposed securities exceeds the limitations prescribed by 153  
division (B) of this section; 154

(b) The resolution required by division (B) of section 155  
133.18 of the Revised Code shall be certified to the county 156  
auditor and the board of elections at least one hundred days 157  
prior to the election; 158

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

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

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

(G) (1) The board of education may contract with an 172  
architect, professional engineer, or other person experienced in 173  
the design and implementation of energy conservation measures 174  
for an analysis and recommendations pertaining to installations, 175  
modifications of installations, or remodeling that would 176  
significantly reduce energy consumption in buildings owned by 177  
the district. The report shall include estimates of all costs of 178  
such installations, modifications, or remodeling, including 179  
costs of design, engineering, installation, maintenance, 180  
repairs, measurement and verification of energy savings, and 181  
debt service, forgone residual value of materials or equipment 182  
replaced by the energy conservation measure, as defined by the 183  
Ohio 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 218



Revised Code shall submit a request without first receiving 219  
approval to incur indebtedness from the district's academic 220  
distress commission established under that section, for so long 221  
as such commission continues to be required for the district. 222

(2) The school facilities commission shall approve the 223  
board's request provided that the following conditions are 224  
satisfied: 225

(a) The commission determines that the board's findings 226  
are reasonable. 227

(b) The request for approval is complete. 228

(c) The installations, modifications, or remodeling are 229  
consistent with any project to construct or acquire classroom 230  
facilities, or to reconstruct or make additions to existing 231  
classroom facilities under sections 3318.01 to 3318.20 or 232  
sections 3318.40 to 3318.45 of the Revised Code. 233

Upon receipt of the commission's approval, the district 234  
may issue securities without a vote of the electors in a 235  
principal amount not to exceed nine-tenths of one per cent of 236  
its tax valuation for the purpose of making such installations, 237  
modifications, or remodeling, but the total net indebtedness of 238  
the district without a vote of the electors incurred under this 239  
and all other sections of the Revised Code, except section 240  
3318.052 of the Revised Code, shall not exceed one per cent of 241  
the district's tax valuation. 242

(3) So long as any securities issued under this division 243  
remain outstanding, the board of education shall monitor the 244  
energy consumption and resultant operational and maintenance 245  
costs of buildings in which installations or modifications have 246  
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 571

year, within one hundred twenty days after any school district 572  
or building is declared to be in a state of academic emergency 573  
under section 3302.03 of the Revised Code, the department may 574  
initiate a site evaluation of the building or school district. 575

(2) For the 2012-2013 school year, and for each school 576  
year thereafter, the department may initiate a site evaluation 577  
of a building or school district that meets the conditions for a 578  
site evaluation prescribed by the agreement described in 579  
division (A) (2) of this section. 580

(3) Division (D) (3) of this section does not apply to any 581  
school district after June 30, 2008. 582

If any school district that is declared to be in a state 583  
of academic emergency or in a state of academic watch under 584  
section 3302.03 of the Revised Code or encompasses a building 585  
that is declared to be in a state of academic emergency or in a 586  
state of academic watch fails to demonstrate to the department 587  
satisfactory improvement of the district or applicable buildings 588  
or fails to submit to the department any information required 589  
under rules established by the state board of education, prior 590  
to approving a three-year continuous improvement plan under 591  
rules established by the state board of education, the 592  
department shall conduct a site evaluation of the school 593  
district or applicable buildings to determine whether the school 594  
district is in compliance with minimum standards established by 595  
law or rule. 596

(4) Division (D) (4) of this section does not apply to any 597  
school district after June 30, 2008. Site evaluations conducted 598  
under divisions (D) (1), (2), and (3) of this section shall 599  
include, but not be limited to, the following: 600

- (a) Determining whether teachers are assigned to subject areas for which they are licensed or certified; 601  
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- (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  
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- (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  
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- (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  
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- (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  
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- (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  
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- (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  
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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  
one of whom is a resident in the county in which a majority of 846  
the district's territory is located; 847

(b) One member appointed by the president of the district 848  
board of education, who shall be a teacher employed by the 849  
district; 850

(c) One member appointed by the mayor of the municipality 851  
in which a majority of the district's territory is located or, 852  
if no such municipality exists, by the mayor of a municipality 853  
selected by the state superintendent in which the district has 854  
territory. 855

Appointments to the commission shall be made within thirty 856  
days after the district is notified that it is subject to this 857  
section. Members of the commission shall serve at the pleasure 858  
of their appointing authority. The state superintendent shall 859  
designate a chairperson for the commission from among the 860  
members appointed by the state superintendent. The chairperson 861  
shall call and conduct meetings, set meeting agendas, and serve 862

as a liaison between the commission and the chief executive officer appointed under division (C) (1) of this section. 863  
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(2) In the case of a school district that meets the condition in division (A) (2) of this section, the academic distress commission established for the district under former section 3302.10 of the Revised Code shall be abolished and a new academic distress commission shall be appointed for the district pursuant to division (B) (1) of this section. 865  
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(C) (1) Within sixty days after the state superintendent has designated a chairperson for the academic distress commission, the commission shall appoint a chief executive officer for the district, who shall be paid by the department of education and shall serve at the pleasure of the commission. The individual appointed as chief executive officer shall have high-level management experience in the public or private sector. The chief executive officer shall exercise complete operational, managerial, and instructional control of the district, which shall include, but shall not be limited to, the following powers and duties, but the chief executive officer may delegate, in writing, specific powers or duties to the district board or district superintendent: 871  
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(a) Replacing school administrators and central office staff; 884  
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(b) Assigning employees to schools and approving transfers; 886  
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(c) Hiring new employees; 888

(d) Defining employee responsibilities and job descriptions; 889  
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(e) Establishing employee compensation; 891

<u>(f) Allocating teacher class loads;</u>	892
<u>(g) Conducting employee evaluations;</u>	893
<u>(h) Making reductions in staff under section 3319.17, 3319.171, or 3319.172 of the Revised Code;</u>	894 895
<u>(i) Setting the school calendar;</u>	896
<u>(j) Creating a budget for the district;</u>	897
<u>(k) Contracting for services for the district;</u>	898
<u>(l) Modifying policies and procedures established by the district board;</u>	899 900
<u>(m) Establishing grade configurations of schools;</u>	901
<u>(n) Determining the school curriculum;</u>	902
<u>(o) Selecting instructional materials and assessments;</u>	903
<u>(p) Setting class sizes;</u>	904
<u>(q) Providing for staff professional development.</u>	905
<u>(2) If an improvement coordinator was previously appointed for the district pursuant to division (A) of section 3302.04 of the Revised Code, that position shall be terminated. However, nothing in this section shall prohibit the chief executive officer from employing the same individual or other staff to perform duties or functions previously performed by the improvement coordinator.</u>	906 907 908 909 910 911 912
<u>(D) The academic distress commission, in consultation with the state superintendent and the chief executive officer, shall be responsible for expanding high-quality school choice options in the district. The commission, in consultation with the state superintendent, may create an entity to act as a high-quality</u>	913 914 915 916 917



school accelerator for schools not operated by the district. The 918  
accelerator shall promote high-quality schools in the district, 919  
lead improvement efforts for underperforming schools, recruit 920  
high-quality sponsors for community schools, attract new high- 921  
quality schools to the district, and increase the overall 922  
capacity of schools to deliver a high-quality education for 923  
students. Any accelerator shall be an independent entity and the 924  
chief executive officer shall have no authority over the 925  
accelerator. 926

(E) (1) Within thirty days after the chief executive 927  
officer is appointed, the chief executive officer shall convene 928  
a group of community stakeholders. The purpose of the group 929  
shall be to develop expectations for academic improvement in the 930  
district and to assist the district in building relationships 931  
with organizations in the community that can provide needed 932  
services to students. Members of the group shall include, but 933  
shall not be limited to, educators, civic and business leaders, 934  
and representatives of institutions of higher education and 935  
government service agencies. Within ninety days after the chief 936  
executive officer is appointed, the chief executive officer also 937  
shall convene a smaller group of community stakeholders for each 938  
school operated by the district to develop expectations for 939  
academic improvement in that school. The group convened for each 940  
school shall have teachers employed in the school and parents of 941  
students enrolled in the school among its members. 942

(2) The chief executive officer shall create a plan to 943  
improve the district's academic performance. In creating the 944  
plan, the chief executive officer shall consult with the groups 945  
convened under division (E) (1) of this section. The chief 946  
executive officer also shall consider the availability of 947  
funding to ensure sustainability of the plan. The plan shall 948

establish clear, measurable performance goals for the district 949  
and for each school operated by the district. The performance 950  
goals shall include, but not be limited to, the performance 951  
measures prescribed for report cards issued under section 952  
3302.03 of the Revised Code. Within ninety days after the chief 953  
executive officer is appointed, the chief executive officer 954  
shall submit the plan to the academic distress commission for 955  
approval. Within thirty days after the submission of the plan, 956  
the commission shall approve the plan or suggest modifications 957  
to the plan that will render it acceptable. If the commission 958  
suggests modifications, the chief executive officer may revise 959  
the plan before resubmitting it to the commission. The chief 960  
executive officer shall resubmit the plan, whether revised or 961  
not, within fifteen days after the commission suggests 962  
modifications. The commission shall approve the plan within 963  
thirty days after the plan is resubmitted. Upon approval of the 964  
plan by the commission, the chief executive officer shall 965  
implement the plan. 966

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

bargaining agreement. For purposes of this section, "collective 980  
bargaining agreement" shall include any labor contract or 981  
agreement in effect with any applicable bargaining 982  
representative. The chief executive officer and the district 983  
board are not required to bargain on subjects reserved to the 984  
management and direction of the school district, including, but 985  
not limited to, the rights or responsibilities listed in 986  
division (C) of section 4117.08 of the Revised Code. The way in 987  
which these subjects and these rights or responsibilities may 988  
affect the wages, hours, terms and conditions of employment, or 989  
the continuation, modification, or deletion of an existing 990  
provision of a collective bargaining agreement is not subject to 991  
collective bargaining or effects bargaining under Chapter 4117. 992  
of the Revised Code. The provisions of this paragraph apply to a 993  
collective bargaining agreement entered into, modified, renewed, 994  
or extended on or after the effective date of this section and 995  
those provisions are deemed to be part of that agreement 996  
regardless of whether the district satisfied the conditions 997  
prescribed in division (A) of this section at the time the 998  
district entered into that agreement. If the district board 999  
relinquished one or more of the rights or responsibilities 1000  
listed in division (C) of section 4117.08 of the Revised Code in 1001  
a collective bargaining agreement entered into prior to the 1002  
effective date of this section and had resumed holding those 1003  
rights or responsibilities pursuant to division (K) of former 1004  
section 3302.10 of the Revised Code, as it existed prior to that 1005  
date, the district board shall continue to hold those rights or 1006  
responsibilities until such time as both the new academic 1007  
distress commission appointed under this section ceases to exist 1008  
upon completion of the transition period specified in division 1009  
(N)(1) of this section and the district board agrees to 1010  
relinquish those rights or responsibilities in a new collective 1011

bargaining agreement. 1012

(G) In each school year that the district is subject to 1013  
this section, the following shall apply: 1014

(1) The chief executive officer shall implement the 1015  
improvement plan approved under division (E) (2) of this section 1016  
and shall review the plan annually to determine if changes are 1017  
needed. The chief executive officer may modify the plan upon the 1018  
approval of the modifications by the academic distress 1019  
commission. 1020

(2) The chief executive officer may implement innovative 1021  
education programs to do any of the following: 1022

(a) Address the physical and mental well-being of students 1023  
and their families; 1024

(b) Provide mentoring; 1025

(c) Provide job resources; 1026

(d) Disseminate higher education information; 1027

(e) Offer recreational or cultural activities; 1028

(f) Provide any other services that will contribute to a 1029  
successful learning environment. 1030

The chief executive officer shall establish a separate 1031  
fund to support innovative education programs and shall deposit 1032  
any moneys appropriated by the general assembly for the purposes 1033  
of division (G) (2) of this section in the fund. The chief 1034  
executive officer shall have sole authority to disburse moneys 1035  
from the fund until the district is no longer subject to this 1036  
section. All disbursements shall support the improvement plan 1037  
approved under division (E) (2) of this section. 1038

(3) If the district is not a school district in which the 1039  
pilot project scholarship program is operating under sections 1040  
3313.974 to 3313.979 of the Revised Code, each student who is 1041  
entitled to attend school in the district under section 3313.64 1042  
or 3313.65 of the Revised Code and is enrolled in a school 1043  
operated by the district or in a community school, or will be 1044  
both enrolling in any of grades kindergarten through twelve in 1045  
this state for the first time and at least five years of age by 1046  
the first day of January of the following school year, shall be 1047  
eligible to participate in the educational choice scholarship 1048  
pilot program established under sections 3310.01 to 3310.17 of 1049  
the Revised Code and an application for the student may be 1050  
submitted during the next application period. 1051

(4) Notwithstanding anything to the contrary in the 1052  
Revised Code, the chief executive officer may limit, suspend, or 1053  
alter any contract with an administrator that is entered into, 1054  
modified, renewed, or extended by the district board on or after 1055  
the effective date of this section, provided that the chief 1056  
executive officer shall not reduce any salary or base hourly 1057  
rate of pay unless such salary or base hourly rate reductions 1058  
are part of a uniform plan affecting all district employees and 1059  
shall not reduce any insurance benefits unless such insurance 1060  
benefit reductions are also applicable generally to other 1061  
employees of the district. 1062

(5) The chief executive officer shall represent the 1063  
district board during any negotiations to modify, renew, or 1064  
extend a collective bargaining agreement entered into by the 1065  
board under Chapter 4117. of the Revised Code. 1066

(H) If the report card for the district has been issued 1067  
under section 3302.03 of the Revised Code for the first school 1068

year that the district is subject to this section and the 1069  
district does not meet the qualification in division (N) (1) of 1070  
this section, the following shall apply: 1071

(1) The chief executive officer may reconstitute any 1072  
school operated by the district. The chief executive officer 1073  
shall present to the academic distress commission a plan that 1074  
lists each school designated for reconstitution and explains how 1075  
the chief executive officer plans to reconstitute the school. 1076  
The chief executive officer may take any of the following 1077  
actions to reconstitute a school: 1078

(a) Change the mission of the school or the focus of its 1079  
curriculum; 1080

(b) Replace the school's principal and/or administrative 1081  
staff; 1082

(c) Replace a majority of the school's staff, including 1083  
teaching and nonteaching employees; 1084

(d) Contract with a nonprofit or for-profit entity to 1085  
manage the operations of the school. The contract may provide 1086  
for the entity to supply all or some of the staff for the 1087  
school. 1088

(e) Reopen the school as a community school under Chapter 1089  
3314. of the Revised Code or a science, technology, engineering, 1090  
and mathematics school under Chapter 3326. of the Revised Code; 1091

(f) Permanently close the school. 1092

If the chief executive officer plans to reconstitute a 1093  
school under division (H) (1) (e) or (f) of this section, the 1094  
commission shall review the plan for that school and either 1095  
approve or reject it by the thirtieth day of June of the school 1096

year. Upon approval of the plan by the commission, the chief 1097  
executive officer shall reconstitute the school as outlined in 1098  
the plan. 1099

(2) Notwithstanding any provision to the contrary in 1100  
Chapter 4117. of the Revised Code, the chief executive officer, 1101  
in consultation with the chairperson of the academic distress 1102  
commission, may reopen any collective bargaining agreement 1103  
entered into, modified, renewed, or extended on or after the 1104  
effective date of this section for the purpose of renegotiating 1105  
its terms. The chief executive officer shall have the sole 1106  
discretion to designate any provisions of a collective 1107  
bargaining agreement as subject to reopening by providing 1108  
written notice to the bargaining representative. Any provisions 1109  
designated for reopening by the chief executive officer shall be 1110  
subject to collective bargaining as set forth in Chapter 4117. 1111  
of the Revised Code. Any changes to the provisions subject to 1112  
reopening shall take effect on the following first day of July 1113  
or another date agreed to by the parties. The chief executive 1114  
officer may reopen a collective bargaining agreement under 1115  
division (H) (2) of this section as necessary to reconstitute a 1116  
school under division (H) (1) of this section. 1117

(I) If the report card for the district has been issued 1118  
under section 3302.03 of the Revised Code for the second school 1119  
year that the district is subject to this section and the 1120  
district does not meet the qualification in division (N) (1) of 1121  
this section, the following shall apply: 1122

(1) The chief executive officer may exercise any of the 1123  
powers authorized under division (H) of this section. 1124

(2) Notwithstanding any provision to the contrary in 1125  
Chapter 4117. of the Revised Code, the chief executive officer 1126

may limit, suspend, or alter any provision of a collective 1127  
bargaining agreement entered into, modified, renewed, or 1128  
extended on or after the effective date of this section, 1129  
provided that the chief executive officer shall not reduce any 1130  
base hourly rate of pay and shall not reduce any insurance 1131  
benefits. The decision to limit, suspend, or alter any provision 1132  
of a collective bargaining agreement under this division is not 1133  
subject to bargaining under Chapter 4117. of the Revised Code; 1134  
however, the chief executive officer shall have the discretion 1135  
to engage in effects bargaining on the way any such decision may 1136  
affect wages, hours, or terms and conditions of employment. The 1137  
chief executive officer may limit, suspend, or alter a provision 1138  
of a collective bargaining agreement under division (I) (2) of 1139  
this section as necessary to reconstitute a school under 1140  
division (H) (1) of this section. 1141

(J) If the report card for the district has been issued 1142  
under section 3302.03 of the Revised Code for the third school 1143  
year that the district is subject to this section and the 1144  
district does not meet the qualification in division (N) (1) of 1145  
this section, the following shall apply: 1146

(1) The chief executive officer may exercise any of the 1147  
powers authorized under division (H) or (I) of this section. 1148

(2) The chief executive officer may continue in effect a 1149  
limitation, suspension, or alteration of a provision of a 1150  
collective bargaining agreement issued under division (I) (2) of 1151  
this section. Any such continuation shall be subject to the 1152  
requirements and restrictions of that division. 1153

(K) If the report card for the district has been issued 1154  
under section 3302.03 of the Revised Code for the fourth school 1155  
year that the district is subject to this section and the 1156



district does not meet the qualification in division (N) (1) of 1157  
this section, the following shall apply: 1158

(1) The chief executive officer may exercise any of the 1159  
powers authorized under division (H), (I), or (J) of this 1160  
section. 1161

(2) A new board of education shall be appointed for the 1162  
district in accordance with section 3302.11 of the Revised Code. 1163  
However, the chief executive officer shall retain complete 1164  
operational, managerial, and instructional control of the 1165  
district until the chief executive officer relinquishes that 1166  
control to the district board under division (N) (1) of this 1167  
section. 1168

(L) If the report card for the district has been issued 1169  
under section 3302.03 of the Revised Code for the fifth school 1170  
year, or any subsequent school year, that the district is 1171  
subject to this section and the district does not meet the 1172  
qualification in division (N) (1) of this section, the chief 1173  
executive officer may exercise any of the powers authorized 1174  
under division (H), (I), (J), or (K) (1) of this section. 1175

(M) If division (I), (J), (K), or (L) of this section 1176  
applies to a district, community schools, STEM schools, 1177  
chartered nonpublic schools, and other school districts that 1178  
enroll students residing in the district and meet academic 1179  
accountability standards shall be eligible to be paid an 1180  
academic performance bonus in each fiscal year for which the 1181  
general assembly appropriates funds for that purpose. The 1182  
academic performance bonus is intended to give students residing 1183  
in the district access to a high-quality education by 1184  
encouraging high-quality schools to enroll those students. 1185

(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 transition out of being subject to this section. Except as provided in division (N) (2) of this section, the transition period shall last until the district has received an overall grade higher than "F" under division (C) (3) of section 3302.03 of the Revised Code for two consecutive school years after the transition period begins. The overall grade of "C" or higher that qualifies the district to begin the transition period shall not count as one of the two consecutive school years. During the transition period, the conditions described in divisions (F) to (L) of this section for the school year prior to the school year in which the transition period begins shall continue to apply and the chief executive officer shall work closely with the district board and district superintendent to increase their ability to resume control of the district and sustain the district's academic improvement over time. Upon completion of the transition period, the chief executive officer shall relinquish all operational, managerial, and instructional control of the district to the district board and district superintendent and the academic distress commission shall cease to exist.

(2) If the district receives an overall grade of "F" under division (C) (3) of section 3302.03 of the Revised Code at any time during the transition period, the transition period shall end and the district shall be fully subject to this section again. The district shall resume being fully subject to this section at the point it began its transition out of being subject to this section and the division in divisions (H) to (L) of this section that would have applied to the district had the

district not qualified to begin its transition under division 1217  
(N) (1) of this section shall apply to the district. 1218

(O) If at any time there are no longer any schools 1219  
operated by the district due to reconstitution or other closure 1220  
of the district's schools under this section, the academic 1221  
distress commission shall cease to exist and the chief executive 1222  
officer shall cease to exercise any powers with respect to the 1223  
district. 1224

(P) Beginning on the effective date of this section, each 1225  
collective bargaining agreement entered into by a school 1226  
district board of education under Chapter 4117. of the Revised 1227  
Code shall incorporate the provisions of this section. 1228

(Q) The chief executive officer, the members of the 1229  
academic distress commission, the state superintendent, and any 1230  
person authorized to act on behalf of or assist them shall not 1231  
be personally liable or subject to any suit, judgment, or claim 1232  
for damages resulting from the exercise of or failure to 1233  
exercise the powers, duties, and functions granted to them in 1234  
regard to their functioning under this section, but the chief 1235  
executive officer, commission, state superintendent, and such 1236  
other persons shall be subject to mandamus proceedings to compel 1237  
performance of their duties under this section. 1238

(R) The state superintendent shall not exempt any district 1239  
from this section by approving an application for an innovative 1240  
education pilot program submitted by the district under section 1241  
3302.07 of the Revised Code. 1242

**Sec. 3302.11.** (A) This section applies to any school 1243  
district that becomes subject to division (K) of section 3302.10 1244  
of the Revised Code, as it exists on and after the effective 1245

date of this section. 1246

(B) As used in this section, "mayor" means the mayor of 1247  
the municipality in which a majority of the territory of a 1248  
school district to which this section applies is located or, if 1249  
no such municipality exist, the mayor of a municipality selected 1250  
by the superintendent of public instruction in which the 1251  
district has territory. 1252

(C) On the first day of January following the date on 1253  
which this section first applies to a school district, the mayor 1254  
shall appoint a new five-member board of education for the 1255  
district from a slate of candidates nominated by the nominating 1256  
panel established under division (D)(1) of this section. 1257

(D)(1) Not later than thirty days after the date on which 1258  
this section first applies to a school district, the 1259  
superintendent of public instruction shall convene a nominating 1260  
panel to nominate candidates for appointment to the district 1261  
board of education. The panel shall consist of the following 1262  
members: 1263

(a) Two persons appointed by the mayor, one of whom shall 1264  
be a representative of the business community or an institution 1265  
of higher education located in the district; 1266

(b) One principal employed by the district, who shall be 1267  
selected by a vote of the district's principals conducted by the 1268  
state superintendent; 1269

(c) One teacher appointed by the bargaining representative 1270  
for teachers employed by the district; 1271

(d) One parent of a student enrolled in the district 1272  
appointed by the parent-teacher association, or a similar 1273  
organization selected by the state superintendent; 1274

(e) The chairperson of the academic distress commission 1275  
established for the district under section 3302.10 of the 1276  
Revised Code and the chief executive officer appointed under 1277  
division (C) (1) of that section, until such time as the 1278  
commission ceases to exist. 1279

(2) The state superintendent shall be a nonvoting member 1280  
of the panel and shall serve as chairperson of the panel for the 1281  
first two years of the panel's existence. After that time, the 1282  
panel shall select one of its members as chairperson. The panel 1283  
shall meet as necessary to make nominations at the call of the 1284  
chairperson. All members of the panel shall serve at the 1285  
pleasure of their appointing authority. A vacancy on the panel 1286  
shall be filled in the same manner as the initial appointment. 1287

(E) Not later than thirty days after the nominating panel 1288  
is convened, the panel shall nominate a slate of at least ten 1289  
candidates for possible appointment to the district board of 1290  
education. All candidates shall be residents of the school 1291  
district and shall hold no elected public office. At least two 1292  
of the candidates shall reside outside of the municipal 1293  
corporation served by the mayor, if that municipal corporation 1294  
does not contain all of the district's territory. 1295

(F) Not later than thirty days after receiving the slate 1296  
of candidates, the mayor shall select five members from the 1297  
slate for appointment to the district board of education. 1298  
Initial members of the board shall take office on the first day 1299  
of January following their appointment and their terms shall 1300  
expire on the thirtieth day of June following the referendum 1301  
election required by division (G) (1) of this section. 1302

(G) (1) At the general election held in the first even- 1303  
numbered year occurring at least three years after the date on 1304

which the academic distress commission established for the 1305  
district ceases to exist pursuant to division (N) (1) of section 1306  
3302.10 of the Revised Code, a referendum election shall be held 1307  
to determine if the mayor shall continue to appoint the district 1308  
board of education. Not later than ninety days before the 1309  
general election, the board of education shall notify the board 1310  
of elections of each county containing territory of the district 1311  
of the referendum election. At the general election, the 1312  
following question shall be submitted to the electors of the 1313  
district: 1314

"Shall the mayor of . . . (here insert the name of the 1315  
applicable municipal corporation) continue to appoint the 1316  
members of the board of education of the . . . (here insert the 1317  
name of the school district to which this section applies)?" 1318

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

election. The notice shall state the question on which the 1336  
election is being held. The ballot shall be in the form 1337  
prescribed by the secretary of state. Costs of submitting the 1338  
question to the electors shall be charged to the district in 1339  
accordance with section 3501.17 of the Revised Code. 1340

(2) If a majority of the electors voting on the question 1341  
proposed in division (G)(1) of this section approve the 1342  
question, the mayor shall appoint a new board of education on 1343  
the immediately following first day of July from a slate of 1344  
candidates nominated by the nominating panel in the same manner 1345  
as the initial board was appointed pursuant to divisions (E) and 1346  
(F) of this section. Three of the members of the new board shall 1347  
be appointed to four-year terms and two of the members shall be 1348  
appointed to two-year terms, each term beginning on the first 1349  
day of July. Thereafter, the mayor shall appoint members to 1350  
four-year terms in the same manner prescribed in divisions (E) 1351  
and (F) of this section. Whenever the nominating panel is 1352  
required to nominate a slate of candidates, the panel shall 1353  
nominate at least twice the number of candidates as members to 1354  
be appointed to the board at that time, including two candidates 1355  
who reside outside of the municipal corporation served by the 1356  
mayor, if that municipal corporation does not contain all of the 1357  
district's territory. Nothing in this division shall preclude 1358  
the nominating panel from nominating as a candidate a person who 1359  
was a member of the board prior to the referendum election or 1360  
shall preclude the mayor from appointing such a person to the 1361  
new board. 1362

(3) If a majority of the electors voting on the question 1363  
proposed in division (G)(1) of this section disapprove the 1364  
question, a new board of education shall be elected at the next 1365  
regular election occurring in November of an odd-numbered year. 1366

The board shall have the same number of members as the board in 1367  
place prior to the board appointed under this section. At such 1368  
election, one-half of the total number of members rounded up to 1369  
the next whole number shall be elected for terms of four years 1370  
and the remaining members shall be elected for terms of two 1371  
years. Thereafter, their successors shall be elected in the same 1372  
manner and for the same terms as provided in the Revised Code 1373  
for members of boards of education. All members of the board of 1374  
education appointed under this section shall continue to serve 1375  
after the end of the terms to which they were appointed until 1376  
their successors are qualified and assume office in accordance 1377  
with section 3313.09 of the Revised Code. 1378

(H) All of the following shall apply to a board of 1379  
education appointed under division (F) or (G) (2) of this 1380  
section: 1381

(1) At any given time, at least two of the board members 1382  
shall have significant expertise in education, finance, or 1383  
business management and at least one member shall reside outside 1384  
of the municipal corporation served by the mayor, if that 1385  
municipal corporation does not contain all of the district's 1386  
territory. 1387

(2) The members of the board shall designate one of its 1388  
members as the chairperson of the board. The chairperson shall 1389  
have all the rights, authority, and duties conferred upon the 1390  
president of a board of education by the Revised Code. 1391

(3) The mayor may remove any member of the board with the 1392  
advice and consent of the nominating panel. 1393

**Sec. 3302.16.** (A) (1) As used in sections 3302.17 and 1394  
3302.18 of the Revised Code, "community learning center" means a 1395



school operated by a city, exempted village, or local school 1396  
district or community school established under Chapter 3314. of 1397  
the Revised Code that participates in a coordinated, community- 1398  
based effort with community partners to provide comprehensive 1399  
educational, developmental, family, and health services to 1400  
students, families, and community members during school hours 1401  
and hours in which school is not in session. 1402

(2) For purposes of this section and sections 3302.17 and 1403  
3302.18 of the Revised Code, "community partner" means a 1404  
provider to students, families, or community members of health 1405  
care services, on-site resource coordinators, and any other 1406  
services or programs determined appropriate by a school action 1407  
team created under section 3302.18 of the Revised Code. 1408

(B) Prior to providing health services to a student, a 1409  
community learning center shall obtain the written consent of 1410  
the student's parent, guardian, or custodian, if the student is 1411  
less than eighteen years old, or the written consent of the 1412  
student, if the student is at least eighteen years old. 1413

(C) A community learning center and any employee, 1414  
contractor, or volunteer of a community learning center shall, 1415  
in accordance with all applicable state and federal laws, 1416  
maintain the confidentiality of patient-identifying information 1417  
obtained in the course of providing health services. 1418

**Sec. 3302.17.** (A) Any school building operated by a city, 1419  
exempted village, or local school district, or a community 1420  
school established under Chapter 3314. of the Revised Code is 1421  
eligible to initiate the community learning center process as 1422  
prescribed by this section. 1423

(B) Beginning with the 2015-2016 school year, each 1424

district board of education or community school governing 1425  
authority may initiate a community learning center process for 1426  
any school building to which this section applies. 1427

First, the board or governing authority shall conduct a 1428  
public information hearing at each school building to which this 1429  
section applies to inform the community of the community 1430  
learning center process. The board or governing authority may do 1431  
all of the following with regard to the public information 1432  
hearing: 1433

(1) Announce the meeting not less than forty-five days in 1434  
advance at the school and on the school's or district's web 1435  
sites and using tools to ensure effective communication with 1436  
individuals with disabilities; 1437

(2) Schedule the meeting for an evening or weekend time; 1438

(3) Provide interpretation services and written materials 1439  
in all languages spoken by five per cent or more of the students 1440  
enrolled in the school; 1441

(4) Provide child care services for parents attending the 1442  
meeting; 1443

(5) Provide parents, students, teachers, nonteaching 1444  
employees, and community members with the opportunity to speak 1445  
at the meeting; 1446

(6) Comply with section 149.43 of the Revised Code. 1447

In preparing for the public information hearing, the board 1448  
or governing authority shall ensure that information about the 1449  
hearing is broadly distributed throughout the community. 1450

The board or governing authority may enter into an 1451  
agreement with any civic engagement organizations, community 1452

organizations, or employee organizations to support the 1453  
implementation of the community learning center process. 1454

The board or governing authority shall conduct a follow-up 1455  
hearing at least once annually until action is further taken 1456  
under the section with respect to the school building or until 1457  
the conditions described in division (A) of this section no 1458  
longer apply to the school building. 1459

(C) Not sooner than forty-five days after the first public 1460  
information hearing, the board or governing authority shall 1461  
conduct an election, by paper ballot, to initiate the process to 1462  
become a community learning center. Only parents or guardians of 1463  
students enrolled in the school and students enrolled in a 1464  
different school operated by a joint vocational school district 1465  
but are otherwise entitled to attend the school, and teachers 1466  
and nonteaching employees who are assigned to the school may 1467  
vote in the election. 1468

The board or governing authority shall distribute the 1469  
ballots by mail and shall make copies available at the school 1470  
and on the web site of the school. The board or governing 1471  
authority also may distribute the ballots by directly giving 1472  
ballots to teachers and nonteaching employees and sending home 1473  
ballots with every student enrolled in the school building. 1474

(D) The board or governing authority shall initiate the 1475  
transition of the building to a community learning center if the 1476  
results of the election held under division (C) of this section 1477  
are as follows: 1478

(1) At least fifty per cent of parents and guardians of 1479  
students enrolled in the eligible school building and students 1480  
enrolled in a different building operated by a joint vocational 1481

school district but who are entitled to attend the school cast 1482  
ballots by a date set by the board or governing authority, and 1483  
of those ballots at least sixty-seven per cent are in favor of 1484  
initiating the process; and 1485

(2) At least fifty per cent of teachers and nonteaching 1486  
employees who are assigned to the school cast ballots by a date 1487  
set by the board or governing authority, and of those ballots at 1488  
least sixty-seven per cent are in favor of initiating the 1489  
process. 1490

(E) If a community learning center process is initiated 1491  
under this section, the board or governing authority shall 1492  
create a school action team under section 3302.18 of the Revised 1493  
Code. Within four months upon selection, the school action team 1494  
shall conduct and complete, in consultation with community 1495  
partners, a performance audit of the school and review, with 1496  
parental input, the needs of the school with regard to 1497  
restructuring under section 3302.10, 3302.12, or 3302.042 of the 1498  
Revised Code, or federal law. 1499

The school action team shall provide quarterly updates of 1500  
its work in a public hearing that complies with the same 1501  
specifications prescribed in division (B) of this section. 1502

(F) Upon completion of the audit and review, the school 1503  
action team shall present its findings at a public hearing that 1504  
complies with the same specifications prescribed in division (B) 1505  
of this section. After the school action team presents its 1506  
findings at the public hearing, it shall create a community 1507  
learning center improvement plan that designates appropriate 1508  
interventions, which may be based on the recommendations 1509  
developed by the department under division (H) (1) (b) of this 1510  
section. 1511

If there is a federally mandated school improvement 1512  
planning process, the team shall coordinate its work with that 1513  
plan. 1514

The school action team shall approve the plan by a 1515  
majority vote. 1516

(G) Upon approval of the plan by the school action team, 1517  
the team shall submit the community learning center improvement 1518  
plan to the same individuals described in division (C) of this 1519  
section. Ballots shall be distributed and an election shall be 1520  
conducted in the same manner as indicated under that division. 1521

The school action team shall submit the plan to the 1522  
district board of education or community school governing 1523  
authority, if the results of the election under division (G) of 1524  
this section are as follows: 1525

(1) At least thirty per cent of parents and guardians of 1526  
students enrolled in the eligible school building and students 1527  
enrolled in a different building operated by a joint vocational 1528  
school district but who are entitled to attend the school cast 1529  
ballots by a date set by the board or governing authority, and 1530  
of those ballots at least fifty per cent are in favor of 1531  
initiating the process; and 1532

(2) At least thirty per cent of teachers and nonteaching 1533  
employees who are assigned to the school cast ballots by a date 1534  
set by the board or governing authority, and of those ballots at 1535  
least fifty per cent are in favor of initiating the process. 1536

The board or governing authority shall evaluate the plan 1537  
and determine whether to adopt it. The board or governing 1538  
authority shall adopt the plan in full or adopt portions of the 1539  
plan. If the board or governing authority does not adopt the 1540

plan in full, it shall provide a written explanation of why 1541  
portions of the plan were rejected. 1542

(H) (1) The department shall do all of the following with 1543  
respect to this section: 1544

(a) Adopt rules regarding the elections required under 1545  
this section; 1546

(b) Develop appropriate interventions for a community 1547  
learning center improvement plan that may be used by a school 1548  
action team under division (F) of this section; 1549

(c) Publish a menu of programs and services that may be 1550  
offered by community learning centers. The information shall be 1551  
posted on the department's web site. To compile this information 1552  
the department shall solicit input from resource coordinators of 1553  
existing community learning centers; 1554

(d) Provide information regarding implementation of 1555  
comprehensive community-based programs and supportive services 1556  
including the community learning center model to school 1557  
buildings meeting any of the following conditions: 1558

(i) The building is in improvement status as defined by 1559  
the "No Child Left Behind Act of 2001" or under an agreement 1560  
between the Ohio department of education and the United States 1561  
secretary of education. 1562

(ii) The building is a secondary school that is among the 1563  
lowest achieving fifteen per cent of secondary schools 1564  
statewide, as determined by the department. 1565

(iii) The building is a secondary school with a graduation 1566  
rate of sixty per cent or lower for three or more consecutive 1567  
years. 1568

(iv) The building is a school that the department 1569  
determines is persistently low-performing. 1570

(2) The department may do the following with respect to 1571  
this section: 1572

(a) Provide assistance, facilitation, and training to 1573  
school action teams in the conducting of the audit required 1574  
under this section; 1575

(b) Provide opportunities for members of school action 1576  
teams from different schools to share school improvement 1577  
strategies with parents, teachers, and other relevant 1578  
stakeholders in higher performing schools; 1579

(c) Provide financial support in a school action team's 1580  
planning process and create a grant program to assist in the 1581  
implementation of a qualified community learning center plan. 1582

(I) Notwithstanding any provision to the contrary in 1583  
Chapter 4117. of the Revised Code, the requirements of this 1584  
section prevail over any conflicting provisions of a collective 1585  
bargaining agreement entered into on or after the effective date 1586  
of this section. However, the board or governing authority and 1587  
the teachers' labor organization may negotiate additional 1588  
factors to be considered in the adoption of a community learning 1589  
center plan. 1590

**Sec. 3302.18.** (A) (1) If a community learning center 1591  
process is initiated under section 3302.17 of the Revised Code 1592  
for any school building operated by a city, exempted village, or 1593  
local school district or a community school established under 1594  
Chapter 3314. of the Revised Code, the district board of 1595  
education or community school governing authority shall create a 1596  
school action team for the school building. The team shall 1597

consist of twelve members, as follows: 1598

(a) Seven individuals, consisting of parents or guardians 1599  
of students enrolled in the school and members of the community 1600  
who are not teachers or nonteaching employees, as elected by 1601  
their peers; 1602

(b) Five teachers and nonteaching employees who are 1603  
assigned to the school building and are not parents or guardians 1604  
of students enrolled in the school, as elected by their peers. 1605

(2) To assist a school action team initiated under section 1606  
3302.17 of the Revised Code, the district board, community 1607  
school governing authority, or community partner shall select an 1608  
individual who is employed by the district, school, or community 1609  
partner to serve as the resource coordinator for the community 1610  
learning center. The school action team shall make 1611  
recommendations to the board, governing authority, or community 1612  
partner on potential candidates. The resource coordinator shall 1613  
not be considered a member of a school action team. The resource 1614  
coordinator shall assist in the development and coordination of 1615  
programs and services for the community learning center. 1616

(B) All members of a school action team shall serve as 1617  
voting members. Terms of office shall be for three years, and 1618  
vacancies shall be filled in the same manner as the original 1619  
appointment. 1620

Members shall serve without compensation. 1621

(C) In addition to the responsibilities listed in section 1622  
3302.17 of the Revised Code, the school action team shall do all 1623  
of the following: 1624

(1) Monitor and assist in the implementation of the school 1625  
improvement plan, if adopted; 1626



(2) Meet with candidates for principal and other administrative positions and make recommendations to the superintendent and board of education of the district or governing authority of the community school; 1627  
1628  
1629  
1630

(3) Advise on school budgets; 1631

(4) Establish ongoing mechanisms that engage students, parents, and community members in the school; 1632  
1633

(5) Continue to collect feedback and information from parents using an annual survey; 1634  
1635

(6) Develop and approve a written parent involvement policy that outlines the role of parents and guardians in the school; 1636  
1637  
1638

(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; 1639  
1640  
1641  
1642  
1643

(8) Receive regular updates from the principal on policy matters affecting the school and provide advice on such matters; 1644  
1645

(9) Meet regularly with parents and community members to discuss policy matters affecting the school. 1646  
1647

**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: 1648  
1649  
1650  
1651  
1652  
1653

(1) Thirty thousand in the 2011-2012 school year; 1654

(2) Sixty thousand in the 2012-2013 school year and 1655  
thereafter. 1656

(B) If the number of students who apply for a scholarship 1657  
exceeds the number of scholarships available under division (A) 1658  
of this section for the applicable school year, the department 1659  
shall award scholarships in the following order of priority: 1660

(1) First, to eligible students who received scholarships 1661  
in the prior school year; 1662

(2) Second, to eligible students with family incomes at or 1663  
below two hundred per cent of the federal poverty guidelines, as 1664  
defined in section 5101.46 of the Revised Code, who qualify 1665  
under ~~division~~ divisions (A) and (E) of section 3310.03 of the 1666  
Revised Code. If the number of students described in division 1667  
(B) (2) of this section who apply for a scholarship exceeds the 1668  
number of available scholarships after awards are made under 1669  
division (B) (1) of this section, the department shall select 1670  
students described in division (B) (2) of this section by lot to 1671  
receive any remaining scholarships. 1672

(3) Third, to other eligible students who qualify under 1673  
~~division~~ divisions (A) and (E) of section 3310.03 of the Revised 1674  
Code. If the number of students described in division (B) (3) of 1675  
this section who apply for a scholarship exceeds the number of 1676  
available scholarships after awards are made under divisions (B) 1677  
(1) and (2) of this section, the department shall select 1678  
students described in division (B) (3) of this section by lot to 1679  
receive any remaining scholarships. 1680

(4) Fourth, to eligible students with family incomes at or 1681  
below two hundred per cent of the federal poverty guidelines who 1682  
qualify under division (D) of section 3310.03 of the Revised 1683

Code. If the number of students described in division (B) (4) of 1684  
this section who apply for a scholarship exceeds the number of 1685  
available scholarships after awards are made under divisions (B) 1686  
(1) to (3) of this section, the department shall select students 1687  
described in division (B) (4) of this section by lot to receive 1688  
any remaining scholarships. 1689

(5) Fifth, to other eligible students who qualify under 1690  
division (D) of section 3310.03 of the Revised Code. If the 1691  
number of students described in division (B) (5) of this section 1692  
who apply for a scholarship exceeds the number of available 1693  
scholarships after awards are made under divisions (B) (1) to (4) 1694  
of this section, the department shall select students described 1695  
in division (B) (5) of this section by lot to receive any 1696  
remaining scholarships. 1697

(6) Sixth, to eligible students with family incomes at or 1698  
below two hundred per cent of the federal poverty guidelines who 1699  
qualify under division (B) of section 3310.03 of the Revised 1700  
Code. If the number of students described in division (B) (6) of 1701  
this section who apply for a scholarship exceeds the number of 1702  
available scholarships after awards are made under divisions (B) 1703  
(1) to (5) of this section, the department shall select students 1704  
described in division (B) (6) of this section by lot to receive 1705  
any remaining scholarships. 1706

(7) Seventh, to other eligible students who qualify under 1707  
division (B) of section 3310.03 of the Revised Code. If the 1708  
number of students described in division (B) (7) of this section 1709  
who apply for a scholarship exceeds the number of available 1710  
scholarships after awards are made under divisions (B) (1) to (6) 1711  
of this section, the department shall select students described 1712  
in division (B) (7) of this section by lot to receive any 1713

remaining scholarships. 1714

**Sec. 3310.03.** A student is an "eligible student" for 1715  
purposes of the educational choice scholarship pilot program if 1716  
the student's resident district is not a school district in 1717  
which the pilot project scholarship program is operating under 1718  
sections 3313.974 to 3313.979 of the Revised Code and the 1719  
student satisfies one of the conditions in division (A), (B), 1720  
(C), ~~or~~ (D), or (E) of this section: 1721

(A) (1) The student is enrolled in a school building 1722  
operated by the student's resident district that, on the report 1723  
card issued under section 3302.03 of the Revised Code published 1724  
prior to the first day of July of the school year for which a 1725  
scholarship is sought, did not receive a rating as described in 1726  
division (H) of this section, and to which any or a combination 1727  
of any of the following apply for two of the three most recent 1728  
report cards published prior to the first day of July of the 1729  
school year for which a scholarship is sought: 1730

(a) The building was declared to be in a state of academic 1731  
emergency or academic watch under section 3302.03 of the Revised 1732  
Code as that section existed prior to March 22, 2013. 1733

(b) The building received a grade of "D" or "F" for the 1734  
performance index score under division (A) (1) (b) or (B) (1) (b) of 1735  
section 3302.03 of the Revised Code and for the value-added 1736  
progress dimension under division (A) (1) (e) or (B) (1) (e) of 1737  
section 3302.03 of the Revised Code for the 2012-2013 or 2013- 1738  
2014 school year, or both; or if the building serves only grades 1739  
ten through twelve, the building received a grade of "D" or "F" 1740  
for the performance index score under division (A) (1) (b) or (B) 1741  
(1) (b) of section 3302.03 of the Revised Code and had a four- 1742  
year adjusted cohort graduation rate of less than seventy-five 1743

per cent. 1744

(c) The building received an overall grade of "D" or "F" 1745  
under division (C) (3) of section 3302.03 of the Revised Code or 1746  
a grade of "F" for the value-added progress dimension under 1747  
division (C) (1) (e) of section 3302.03 of the Revised Code for 1748  
the 2014-2015 school year or any school year thereafter. 1749

(2) The student will be enrolling in any of grades 1750  
kindergarten through twelve in this state for the first time in 1751  
the school year for which a scholarship is sought, will be at 1752  
least five years of age by the first day of January of the 1753  
school year for which a scholarship is sought, and otherwise 1754  
would be assigned under section 3319.01 of the Revised Code in 1755  
the school year for which a scholarship is sought, to a school 1756  
building described in division (A) (1) of this section. 1757

(3) The student is enrolled in a community school 1758  
established under Chapter 3314. of the Revised Code but 1759  
otherwise would be assigned under section 3319.01 of the Revised 1760  
Code to a building described in division (A) (1) of this section. 1761

(4) The student is enrolled in a school building operated 1762  
by the student's resident district or in a community school 1763  
established under Chapter 3314. of the Revised Code and 1764  
otherwise would be assigned under section 3319.01 of the Revised 1765  
Code to a school building described in division (A) (1) of this 1766  
section in the school year for which the scholarship is sought. 1767

(5) The student will be both enrolling in any of grades 1768  
kindergarten through twelve in this state for the first time and 1769  
at least five years of age by the first day of January of the 1770  
school year for which a scholarship is sought, or is enrolled in 1771  
a community school established under Chapter 3314. of the 1772

Revised Code, and all of the following apply to the student's 1773  
resident district: 1774

(a) The district has in force an intradistrict open 1775  
enrollment policy under which no student in the student's grade 1776  
level is automatically assigned to a particular school building; 1777

(b) In the most recent rating published prior to the first 1778  
day of July of the school year for which scholarship is sought, 1779  
the district did not receive a rating described in division (H) 1780  
of this section, and in at least two of the three most recent 1781  
report cards published prior to the first day of July of that 1782  
school year, any or a combination of the following apply to the 1783  
district: 1784

(i) The district was declared to be in a state of academic 1785  
emergency under section 3302.03 of the Revised Code as it 1786  
existed prior to March 22, 2013. 1787

(ii) The district received a grade of "D" or "F" for the 1788  
performance index score under division (A) (1) (b) or (B) (1) (b) of 1789  
section 3302.03 of the Revised Code and for the value-added 1790  
progress dimension under division (A) (1) (e) or (B) (1) (e) of 1791  
section 3302.03 of the Revised Code for the 2012-2013 or 2013- 1792  
2014 school year, or both. 1793

(c) The district received an overall grade of "D" or "F" 1794  
under division (C) (3) of section 3302.03 of the Revised Code or 1795  
a grade of "F" for the value-added progress dimension under 1796  
division (C) (1) (e) of section 3302.03 of the Revised Code for 1797  
the 2014-2015 school year or any school year thereafter. 1798

(6) Beginning in the 2016-2017 school year, the student is 1799  
enrolled in or will be enrolling in a building in the school 1800  
year for which the scholarship is sought that serves any of 1801

grades nine through twelve and that received a grade of "D" or 1802  
"F" for the four-year adjusted cohort graduation rate under 1803  
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of section 3302.03 1804  
of the Revised Code in two of the three most recent report cards 1805  
published prior to the first day of July of the school year for 1806  
which a scholarship is sought. 1807

(B) (1) The student is enrolled in a school building 1808  
operated by the student's resident district and to which both of 1809  
the following apply: 1810

(a) The building was ranked, for at least two of the three 1811  
most recent rankings published under section 3302.21 of the 1812  
Revised Code prior to the first day of July of the school year 1813  
for which a scholarship is sought, in the lowest ten per cent of 1814  
all public school buildings according to performance index score 1815  
under section 3302.21 of the Revised Code. 1816

(b) The building was not declared to be excellent or 1817  
effective, or the equivalent of such ratings as determined by 1818  
the department of education, under section 3302.03 of the 1819  
Revised Code in the most recent rating published prior to the 1820  
first day of July of the school year for which a scholarship is 1821  
sought. 1822

(2) The student will be enrolling in any of grades 1823  
kindergarten through twelve in this state for the first time in 1824  
the school year for which a scholarship is sought, will be at 1825  
least five years of age, as defined in section 3321.01 of the 1826  
Revised Code, by the first day of January of the school year for 1827  
which a scholarship is sought, and otherwise would be assigned 1828  
under section 3319.01 of the Revised Code in the school year for 1829  
which a scholarship is sought, to a school building described in 1830  
division (B) (1) of this section. 1831

(3) The student is enrolled in a community school 1832  
established under Chapter 3314. of the Revised Code but 1833  
otherwise would be assigned under section 3319.01 of the Revised 1834  
Code to a building described in division (B)(1) of this section. 1835

(4) The student is enrolled in a school building operated 1836  
by the student's resident district or in a community school 1837  
established under Chapter 3314. of the Revised Code and 1838  
otherwise would be assigned under section 3319.01 of the Revised 1839  
Code to a school building described in division (B)(1) of this 1840  
section in the school year for which the scholarship is sought. 1841

(C) The student is enrolled in a nonpublic school at the 1842  
time the school is granted a charter by the state board of 1843  
education under section 3301.16 of the Revised Code and the 1844  
student meets the standards of division (B) of section 3310.031 1845  
of the Revised Code. 1846

(D) For the 2016-2017 school year and each school year 1847  
thereafter, the student is in any of grades kindergarten through 1848  
three, is enrolled in a school building that is operated by the 1849  
student's resident district or will be enrolling in any of 1850  
grades kindergarten through twelve in this state for the first 1851  
time in the school year for which a scholarship is sought, and 1852  
to which both of the following apply: 1853

(1) The building, in at least two of the three most recent 1854  
ratings of school buildings published prior to the first day of 1855  
July of the school year for which a scholarship is sought, 1856  
received a grade of "D" or "F" for making progress in improving 1857  
literacy in grades kindergarten through three under division (B) 1858  
(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code; 1859

(2) The building did not receive a grade of "A" for making 1860



progress in improving literacy in grades kindergarten through 1861  
three under division (B) (1) (g) or (C) (1) (g) of section 3302.03 1862  
of the Revised Code in the most recent rating published prior to 1863  
the first day of July of the school year for which a scholarship 1864  
is sought. 1865

(E) The student's resident district is subject to section 1866  
3302.10 of the Revised Code and the student either: 1867

(1) Is enrolled in a school building operated by the 1868  
resident district or in a community school established under 1869  
Chapter 3314. of the Revised Code; 1870

(2) Will be both enrolling in any of grades kindergarten 1871  
through twelve in this state for the first time and at least 1872  
five years of age by the first day of January of the school year 1873  
for which a scholarship is sought. 1874

(F) A student who receives a scholarship under the 1875  
educational choice scholarship pilot program remains an eligible 1876  
student and may continue to receive scholarships in subsequent 1877  
school years until the student completes grade twelve, so long 1878  
as all of the following apply: 1879

(1) The student's resident district remains the same, or 1880  
the student transfers to a new resident district and otherwise 1881  
would be assigned in the new resident district to a school 1882  
building described in division (A) (1), (B) (1), ~~or (D)~~, or (E) of 1883  
this section; 1884

(2) The student takes each assessment prescribed for the 1885  
student's grade level under section 3301.0710 or 3301.0712 of 1886  
the Revised Code while enrolled in a chartered nonpublic school; 1887

(3) In each school year that the student is enrolled in a 1888  
chartered nonpublic school, the student is absent from school 1889

for not more than twenty days that the school is open for 1890  
instruction, not including excused absences. 1891

~~(F)~~(G) (1) The department shall cease awarding first-time 1892  
scholarships pursuant to divisions (A) (1) to (4) of this section 1893  
with respect to a school building that, in the most recent 1894  
ratings of school buildings published under section 3302.03 of 1895  
the Revised Code prior to the first day of July of the school 1896  
year, ceases to meet the criteria in division (A) (1) of this 1897  
section. The department shall cease awarding first-time 1898  
scholarships pursuant to division (A) (5) of this section with 1899  
respect to a school district that, in the most recent ratings of 1900  
school districts published under section 3302.03 of the Revised 1901  
Code prior to the first day of July of the school year, ceases 1902  
to meet the criteria in division (A) (5) of this section. 1903

(2) The department shall cease awarding first-time 1904  
scholarships pursuant to divisions (B) (1) to (4) of this section 1905  
with respect to a school building that, in the most recent 1906  
ratings of school buildings under section 3302.03 of the Revised 1907  
Code prior to the first day of July of the school year, ceases 1908  
to meet the criteria in division (B) (1) of this section. 1909

(3) The department shall cease awarding first-time 1910  
scholarships pursuant to division (D) of this section with 1911  
respect to a school building that, in the most recent ratings of 1912  
school buildings under section 3302.03 of the Revised Code prior 1913  
to the first day of July of the school year, ceases to meet the 1914  
criteria in division (D) of this section. 1915

(4) The department shall cease awarding first-time 1916  
scholarships pursuant to division (E) of this section with 1917  
respect to a school district subject to section 3302.10 of the 1918  
Revised Code when the academic distress commission established 1919

for the district ceases to exist. 1920

(5) However, students who have received scholarships in 1921  
the prior school year remain eligible students pursuant to 1922  
division ~~(E)~~(F) of this section. 1923

~~(G)~~(H) The state board of education shall adopt rules 1924  
defining excused absences for purposes of division ~~(E)~~(F) (3) of 1925  
this section. 1926

~~(H)~~(I) (1) A student who satisfies only the conditions 1927  
prescribed in divisions (A) (1) to (4) of this section shall not 1928  
be eligible for a scholarship if the student's resident building 1929  
meets any of the following in the most recent rating under 1930  
section 3302.03 of the Revised Code published prior to the first 1931  
day of July of the school year for which a scholarship is 1932  
sought: 1933

(a) The building has an overall designation of excellent 1934  
or effective under section 3302.03 of the Revised Code as it 1935  
existed prior to March 22, 2013. 1936

(b) For the 2012-2013 or 2013-2014 school year or both, 1937  
the building has a grade of "A" or "B" for the performance index 1938  
score under division (A) (1) (b) or (B) (1) (b) of section 3302.03 1939  
of the Revised Code and for the value-added progress dimension 1940  
under division (A) (1) (e) or (B) (1) (e) of section 3302.03 of the 1941  
Revised Code; or if the building serves only grades ten through 1942  
twelve, the building received a grade of "A" or "B" for the 1943  
performance index score under division (A) (1) (b) or (B) (1) (b) of 1944  
section 3302.03 of the Revised Code and had a four-year adjusted 1945  
cohort graduation rate of greater than or equal to seventy-five 1946  
per cent. 1947

(c) For the 2014-2015 school year or any school year 1948

thereafter, the building has a grade of "A" or "B" under 1949  
division (C) (3) of section 3302.03 of the Revised Code and a 1950  
grade of "A" for the value-added progress dimension under 1951  
division (C) (1) (e) of section 3302.03 of the Revised Code; or if 1952  
the building serves only grades ten through twelve, the building 1953  
received a grade of "A" or "B" for the performance index score 1954  
under division (C) (1) (b) of section 3302.03 of the Revised Code 1955  
and had a four-year adjusted cohort graduation rate of greater 1956  
than or equal to seventy-five per cent. 1957

(2) A student who satisfies only the conditions prescribed 1958  
in division (A) (5) of this section shall not be eligible for a 1959  
scholarship if the student's resident district meets any of the 1960  
following in the most recent rating under section 3302.03 of the 1961  
Revised Code published prior to the first day of July of the 1962  
school year for which a scholarship is sought: 1963

(a) The district has an overall designation of excellent 1964  
or effective under section 3302.03 of the Revised Code as it 1965  
existed prior to March 22, 2013. 1966

(b) The district has a grade of "A" or "B" for the 1967  
performance index score under division (A) (1) (b) or (B) (1) (b) of 1968  
section 3302.03 of the Revised Code and for the value-added 1969  
progress dimension under division (A) (1) (e) or (B) (1) (e) of 1970  
section 3302.03 of the Revised Code for the 2012-2013 and 2013- 1971  
2014 school years. 1972

(c) The district has an overall grade of "A" or "B" under 1973  
division (C) (3) of section 3302.03 of the Revised Code and a 1974  
grade of "A" for the value-added progress dimension under 1975  
division (C) (1) (e) of section 3302.03 of the Revised Code for 1976  
the 2014-2015 school year or any school year thereafter. 1977

**Sec. 3310.032.** (A) A student is an "eligible student" for 1978  
purposes of the expansion of the educational choice scholarship 1979  
pilot program under this section if the student's resident 1980  
district is not a school district in which the pilot project 1981  
scholarship program is operating under sections 3313.974 to 1982  
3313.979 of the Revised Code, the student is not eligible for an 1983  
educational choice scholarship under section 3310.03 of the 1984  
Revised Code, and the student's family income is at or below two 1985  
hundred per cent of the federal poverty guidelines, as defined 1986  
in section 5101.46 of the Revised Code. 1987

(B) In each fiscal year for which the general assembly 1988  
appropriates funds for purposes of this section, the department 1989  
of education shall pay scholarships to attend chartered 1990  
nonpublic schools in accordance with section 3310.08 of the 1991  
Revised Code. The number of scholarships awarded under this 1992  
section shall not exceed the number that can be funded with 1993  
appropriations made by the general assembly for this purpose. 1994

(C) Scholarships under this section shall be awarded as 1995  
follows: 1996

(1) For the 2013-2014 school year, to eligible students 1997  
who are entering kindergarten in that school year for the first 1998  
time; 1999

(2) For each subsequent school year, scholarships shall be 2000  
awarded to eligible students in the next grade level above the 2001  
highest grade level awarded in the preceding school year, in 2002  
addition to the grade levels for which students received 2003  
scholarships in the preceding school year. 2004

(D) If the number of eligible students who apply for a 2005  
scholarship under this section exceeds the scholarships 2006

available based on the appropriation for this section, the 2007  
department shall award scholarships in the following order of 2008  
priority: 2009

(1) First, to eligible students who received scholarships 2010  
under this section in the prior school year; 2011

(2) Second, to eligible students with family incomes at or 2012  
below one hundred per cent of the federal poverty guidelines. If 2013  
the number of students described in division (D)(2) of this 2014  
section who apply for a scholarship exceeds the number of 2015  
available scholarships after awards are made under division (D) 2016  
(1) of this section, the department shall select students 2017  
described in division (D)(2) of this section by lot to receive 2018  
any remaining scholarships. 2019

(3) Third, to other eligible students who qualify under 2020  
this section. If the number of students described in division 2021  
(D)(3) of this section exceeds the number of available 2022  
scholarships after awards are made under divisions (D)(1) and 2023  
(2) of this section, the department shall select students 2024  
described in division (D)(3) of this section by lot to receive 2025  
any remaining scholarships. 2026

(E) Subject to divisions (E)(1) to (3) of this section, a 2027  
student who receives a scholarship under this section remains an 2028  
eligible student and may continue to receive scholarships under 2029  
this section in subsequent school years until the student 2030  
completes grade twelve, so long as the student satisfies the 2031  
conditions specified in divisions ~~(E)~~(F)(2) and (3) of section 2032  
3310.03 of the Revised Code. 2033

Once a scholarship is awarded under this section, the 2034  
student shall remain eligible for that scholarship for the 2035

current school year and subsequent school years even if the 2036  
student's family income rises above the amount specified in 2037  
division (A) of this section, provided the student remains 2038  
enrolled in a chartered nonpublic school, however: 2039

(1) If the student's family income is above two hundred 2040  
per cent but at or below three hundred per cent of the federal 2041  
poverty guidelines, the student shall receive a scholarship in 2042  
the amount of seventy-five per cent of the full scholarship 2043  
amount. 2044

(2) If the student's family income is above three hundred 2045  
per cent but at or below four hundred per cent of the federal 2046  
poverty guidelines, the student shall receive a scholarship in 2047  
the amount of fifty per cent of the full scholarship amount. 2048

(3) If the student's family income is above four hundred 2049  
per cent of the federal poverty guidelines, the student is no 2050  
longer eligible to receive an educational choice scholarship. 2051

**Sec. 3310.035.** (A) A student who is eligible for an 2052  
educational choice scholarship under both sections 3310.03 and 2053  
3310.032 of the Revised Code, and applies for a scholarship for 2054  
the first time after ~~the effective date of this section~~ 2055  
September 29, 2013, shall receive a scholarship under section 2056  
3310.03 of the Revised Code. 2057

(B) A student who is eligible under both sections 3310.03 2058  
and 3310.032 of the Revised Code and received a scholarship in 2059  
the previous school year shall continue to receive the 2060  
scholarship under the section from which the student received 2061  
the scholarship in the previous school year, so long as: 2062

(1) The number of students who apply for a scholarship 2063  
does not exceed the number of scholarships available under 2064

division (A) of section 3310.02 of the Revised Code. 2065

(2) A student who receives a scholarship under section 2066  
3310.03 of the Revised Code satisfies with the conditions 2067  
specified in divisions ~~(E)~~ (F) (1) to (3) of that section, and a 2068  
student who receives a scholarship under section 3310.032 2069  
satisfies with the conditions specified in divisions (E) (2) and 2070  
(3) of section 3310.03 of the Revised Code. 2071

**Sec. 3311.29.** (A) Except as provided under division (B) ~~or~~ 2072  
(C), or (D) of this section, no school district shall be 2073  
created and no school district shall exist which does not 2074  
maintain within such district public schools consisting of 2075  
grades kindergarten through twelve and any such existing school 2076  
district not maintaining such schools shall be dissolved and its 2077  
territory joined with another school district or districts by 2078  
order of the state board of education if no agreement is made 2079  
among the surrounding districts voluntarily, which order shall 2080  
provide an equitable division of the funds, property, and 2081  
indebtedness of the dissolved school district among the 2082  
districts receiving its territory. The state board of education 2083  
may authorize exceptions to school districts where topography, 2084  
sparsity of population, and other factors make compliance 2085  
impracticable. 2086

The superintendent of public instruction is without 2087  
authority to distribute funds under Chapter 3317. of the Revised 2088  
Code to any school district that does not maintain schools with 2089  
grades kindergarten through twelve and to which no exception has 2090  
been granted by the state board of education. 2091

(B) Division (A) of this section does not apply to any 2092  
joint vocational school district or any cooperative education 2093  
school district established pursuant to divisions (A) to (C) of 2094



section 3311.52 of the Revised Code. 2095

(C) (1) (a) Except as provided in division (C) (3) of this 2096  
section, division (A) of this section does not apply to any 2097  
cooperative education school district established pursuant to 2098  
section 3311.521 of the Revised Code nor to the city, exempted 2099  
village, or local school districts that have territory within 2100  
such a cooperative education district. 2101

(b) The cooperative district and each city, exempted 2102  
village, or local district with territory within the cooperative 2103  
district shall maintain the grades that the resolution adopted 2104  
or amended pursuant to section 3311.521 of the Revised Code 2105  
specifies. 2106

(2) Any cooperative education school district described 2107  
under division (C) (1) of this section that fails to maintain the 2108  
grades it is specified to operate shall be dissolved by order of 2109  
the state board of education unless prior to such an order the 2110  
cooperative district is dissolved pursuant to section 3311.54 of 2111  
the Revised Code. Any such order shall provide for the equitable 2112  
adjustment, division, and disposition of the assets, property, 2113  
debts, and obligations of the district among each city, local, 2114  
and exempted village school district whose territory is in the 2115  
cooperative district and shall provide that the tax duplicate of 2116  
each city, local, and exempted village school district whose 2117  
territory is in the cooperative district shall be bound for and 2118  
assume its share of the outstanding indebtedness of the 2119  
cooperative district. 2120

(3) If any city, exempted village, or local school 2121  
district described under division (C) (1) of this section fails 2122  
to maintain the grades it is specified to operate the 2123  
cooperative district within which it has territory shall be 2124

dissolved in accordance with division (C) (2) of this section and 2125  
upon that dissolution any city, exempted village, or local 2126  
district failing to maintain grades kindergarten through twelve 2127  
shall be subject to the provisions for dissolution in division 2128  
(A) of this section. 2129

(D) Division (A) of this section does not apply to any 2130  
school district that is or has ever been subject to section 2131  
3302.10 of the Revised Code, as it exists on and after the 2132  
effective date of this amendment, and has had a majority of its 2133  
schools reconstituted or closed under that section. 2134

**Sec. 3314.102.** (A) As used in this section, ~~"municipal~~; 2135

(1) "Chief executive officer" means a chief executive 2136  
officer appointed by an academic distress commission pursuant to 2137  
section 3302.10 of the Revised Code. 2138

(2) "Municipal school district" and "mayor" have the same 2139  
meanings as in section 3311.71 of the Revised Code. 2140

(B) Notwithstanding section 3314.10 and sections 4117.03 2141  
to 4117.18 of the Revised Code and Section 4 of Amended 2142  
Substitute Senate Bill No. 133 of the 115th general assembly, 2143  
the employees of a conversion community school that is sponsored 2144  
by the board of education of a municipal school district or a 2145  
school district for which an academic distress commission has 2146  
been established under section 3302.10 of the Revised Code shall 2147  
cease to be subject to any future collective bargaining 2148  
agreement, if the mayor or chief executive officer submits to 2149  
the board of education sponsoring the school and to the state 2150  
employment relations board a statement requesting that all 2151  
employees of the community school be removed from a collective 2152  
bargaining unit. The employees of the community school who are 2153

covered by a collective bargaining agreement in effect on the 2154  
date the mayor or chief executive officer submits the statement 2155  
shall remain subject to that collective bargaining agreement 2156  
until the collective bargaining agreement expires on its terms. 2157  
Upon expiration of that collective bargaining agreement, the 2158  
employees of that school are not subject to Chapter 4117. of the 2159  
Revised Code and may not organize or collectively bargain 2160  
pursuant to that chapter. 2161

**Section 2.** That existing sections 133.06, 3302.01, 2162  
3302.036, 3302.04, 3310.02, 3310.03, 3310.032, 3310.035, 2163  
3311.29, and 3314.102 and section 3302.10 of the Revised Code 2164  
are hereby repealed. 2165

**Section 3.** It is not the intent of this act to impact or 2166  
otherwise limit any provisions of state law relating to parental 2167  
consent for an abortion. 2168

**Section 4.** Notwithstanding the repeal of section 3302.10 2169  
of the Revised Code by this act, if an academic distress 2170  
commission established for a school district under that former 2171  
section is still in existence on the effective date of this 2172  
section and the district does not qualify for an academic 2173  
distress commission under section 3302.10 of the Revised Code as 2174  
it exists on and after the effective date of this section, the 2175  
district shall remain subject to former section 3302.10 of the 2176  
Revised Code as it existed prior to the effective date of this 2177  
section until the commission established for the district ceases 2178  
to exist pursuant to division (L) of that former section or the 2179  
district qualifies for an academic distress commission under 2180  
section 3302.10 of the Revised Code as it exists on and after 2181  
the effective date of this section. 2182

**Section 5.** Not later than January 15, 2016, the 2183

Superintendent of Public Instruction shall submit to the General 2184  
Assembly recommendations regarding academic performance bonus 2185  
payments to school districts; community schools; science, 2186  
technology, engineering, and mathematics schools; and chartered 2187  
nonpublic schools under division (M) of section 3302.10 of the 2188  
Revised Code as enacted by this act. The recommendations shall 2189  
address the following: 2190

(A) The amount of the academic performance bonus payments; 2191

(B) A method for distributing the academic performance 2192  
bonus payments in conjunction with payments for: 2193

(1) Open enrollment under section 3313.98 of the Revised 2194  
Code; 2195

(2) Educational choice scholarships awarded under sections 2196  
3310.01 to 3310.17 of the Revised Code; 2197

(3) Community school funding under section 3314.08 of the 2198  
Revised Code; 2199

(4) STEM school funding under section 3326.33 of the 2200  
Revised Code. 2201

(C) The measures and expectations of academic 2202  
accountability required for districts and schools to receive the 2203  
academic performance bonus payments. 2204

**Section 6.** (A) If the requirement to assign an overall 2205  
letter grade for school districts under division (C) of section 2206  
3302.03 of the Revised Code is delayed beyond the report card 2207  
issued for the 2015-2016 school year, the Department of 2208  
Education shall use the following equivalencies for the purposes 2209  
of section 3302.10 of the Revised Code until such time as the 2210  
Department is authorized to assign an overall letter grade for 2211

districts: 2212

(1) A combination of a grade of "C" or higher for the 2213  
performance index score and a grade of "C" or higher for the 2214  
value-added progress dimension under division (C) of section 2215  
3302.03 of the Revised Code shall be equivalent to an overall 2216  
letter grade of "C" or higher. 2217

(2) A combination of a grade of "F" for the performance 2218  
index score and a grade of "F" for the value-added progress 2219  
dimension under division (C) of section 3302.03 of the Revised 2220  
Code shall be equivalent to an overall letter grade of "F." 2221

(B) The equivalencies established in this section shall 2222  
not be used for any purpose other than as prescribed in this 2223  
section. 2224

**Section 7.** Section 133.06 of the Revised Code is presented 2225  
in this act as a composite of the section as amended by both Am. 2226  
Sub. H.B. 483 and Am. Sub. H.B. 487 of the 130th General 2227  
Assembly. The General Assembly, applying the principle stated in 2228  
division (B) of section 1.52 of the Revised Code that amendments 2229  
are to be harmonized if reasonably capable of simultaneous 2230  
operation, finds that the composite is the resulting version of 2231  
the section in effect prior to the effective date of the section 2232  
as presented in this act. 2233