

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 154**

**Representatives Miller, J., Jones**

**Cosponsors: Representatives Lepore-Hagan, Oelslager, Brent, Hambley, Kent, Manning, D., Miranda, Kelly, Crossman, Lightbody, Edwards, Sobecki, Russo, Sheehy, Ingram, Weinstein, Holmes, G., West, Strahorn, O'Brien, Liston, Skindell, Seitz, Leland, Boyd, Upchurch, Sweeney, Clites, Brown**

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**A BILL**

To amend sections 133.06, 3302.036, 3302.042, 1  
3302.12, 3302.16, 3302.17, 3302.18, 3310.03, 2  
3311.29, and 3314.102; to enact new section 3  
3302.10; and to repeal sections 3302.10, 4  
3302.101, 3302.102, and 3302.11 of the Revised 5  
Code; and to repeal Sections 4, 5, and 6 of Am. 6  
Sub. H.B. 70 of the 131st General Assembly to 7  
dissolve academic distress commissions and to 8  
instead require the creation of community 9  
learning centers for buildings in low-performing 10  
school districts. 11

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

**Section 1.** That sections 133.06, 3302.036, 3302.042, 12  
3302.12, 3302.16, 3302.17, 3302.18, 3310.03, 3311.29, and 13  
3314.102 be amended and new section 3302.10 of the Revised Code 14  
be enacted to read as follows: 15

**Sec. 133.06.** (A) A school district shall not incur, 16

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

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

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

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

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

be held under section 3501.01 of the Revised Code without 47  
submitting a new request for consent. If the school district 48  
seeks to submit the same question at any other subsequent 49  
election, the district shall first submit a new request for 50  
consent in accordance with this division. 51

(D) In calculating the net indebtedness of a school 52  
district, none of the following shall be considered: 53

(1) Securities issued to acquire school buses and other 54  
equipment used in transporting pupils or issued pursuant to 55  
division (D) of section 133.10 of the Revised Code; 56

(2) Securities issued under division (F) of this section, 57  
under section 133.301 of the Revised Code, and, to the extent in 58  
excess of the limitation stated in division (B) of this section, 59  
under division (E) of this section; 60

(3) Indebtedness resulting from the dissolution of a joint 61  
vocational school district under section 3311.217 of the Revised 62  
Code, evidenced by outstanding securities of that joint 63  
vocational school district; 64

(4) Loans, evidenced by any securities, received under 65  
sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code; 66

(5) Debt incurred under section 3313.374 of the Revised 67  
Code; 68

(6) Debt incurred pursuant to division (B) (5) of section 69  
3313.37 of the Revised Code to acquire computers and related 70  
hardware; 71

(7) Debt incurred under section 3318.042 of the Revised 72  
Code; 73

(8) Debt incurred under section 5705.2112 or 5705.2113 of 74

the Revised Code by the fiscal board of a qualifying partnership 75  
of which the school district is a participating school district. 76

(E) A school district may become a special needs district 77  
as to certain securities as provided in division (E) of this 78  
section. 79

(1) A board of education, by resolution, may declare its 80  
school district to be a special needs district by determining 81  
both of the following: 82

(a) The student population is not being adequately 83  
serviced by the existing permanent improvements of the district. 84

(b) The district cannot obtain sufficient funds by the 85  
issuance of securities within the limitation of division (B) of 86  
this section to provide additional or improved needed permanent 87  
improvements in time to meet the needs. 88

(2) The board of education shall certify a copy of that 89  
resolution to the superintendent of public instruction with a 90  
statistical report showing all of the following: 91

(a) The history of and a projection of the growth of the 92  
tax valuation; 93

(b) The projected needs; 94

(c) The estimated cost of permanent improvements proposed 95  
to meet such projected needs. 96

(3) The superintendent of public instruction shall certify 97  
the district as an approved special needs district if the 98  
superintendent finds both of the following: 99

(a) The district does not have available sufficient 100  
additional funds from state or federal sources to meet the 101

projected needs.	102
(b) The projection of the potential average growth of tax valuation during the next five years, according to the information certified to the superintendent and any other information the superintendent obtains, indicates a likelihood of potential average growth of tax valuation of the district during the next five years of an average of not less than one and one-half per cent per year. The findings and certification of the superintendent shall be conclusive.	103 104 105 106 107 108 109 110
(4) An approved special needs district may incur net indebtedness by the issuance of securities in accordance with the provisions of this chapter in an amount that does not exceed an amount equal to the greater of the following:	111 112 113 114
(a) Twelve per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by the percentage by which the tax valuation has increased over the tax valuation on the first day of the sixtieth month preceding the month in which its board determines to submit to the electors the question of issuing the proposed securities;	115 116 117 118 119 120
(b) Twelve per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by the percentage, determined by the superintendent of public instruction, by which that tax valuation is projected to increase during the next ten years.	121 122 123 124 125
(F) A school district may issue securities for emergency purposes, in a principal amount that does not exceed an amount equal to three per cent of its tax valuation, as provided in this division.	126 127 128 129
(1) A board of education, by resolution, may declare an	130

emergency if it determines both of the following:	131
(a) School buildings or other necessary school facilities	132
in the district have been wholly or partially destroyed, or	133
condemned by a constituted public authority, or that such	134
buildings or facilities are partially constructed, or so	135
constructed or planned as to require additions and improvements	136
to them before the buildings or facilities are usable for their	137
intended purpose, or that corrections to permanent improvements	138
are necessary to remove or prevent health or safety hazards.	139
(b) Existing fiscal and net indebtedness limitations make	140
adequate replacement, additions, or improvements impossible.	141
(2) Upon the declaration of an emergency, the board of	142
education may, by resolution, submit to the electors of the	143
district pursuant to section 133.18 of the Revised Code the	144
question of issuing securities for the purpose of paying the	145
cost, in excess of any insurance or condemnation proceeds	146
received by the district, of permanent improvements to respond	147
to the emergency need.	148
(3) The procedures for the election shall be as provided	149
in section 133.18 of the Revised Code, except that:	150
(a) The form of the ballot shall describe the emergency	151
existing, refer to this division as the authority under which	152
the emergency is declared, and state that the amount of the	153
proposed securities exceeds the limitations prescribed by	154
division (B) of this section;	155
(b) The resolution required by division (B) of section	156
133.18 of the Revised Code shall be certified to the county	157
auditor and the board of elections at least one hundred days	158
prior to the election;	159

(c) The county auditor shall advise and, not later than 160  
ninety-five days before the election, confirm that advice by 161  
certification to, the board of education of the information 162  
required by division (C) of section 133.18 of the Revised Code; 163

(d) The board of education shall then certify its 164  
resolution and the information required by division (D) of 165  
section 133.18 of the Revised Code to the board of elections not 166  
less than ninety days prior to the election. 167

(4) Notwithstanding division (B) of section 133.21 of the 168  
Revised Code, the first principal payment of securities issued 169  
under this division may be set at any date not later than sixty 170  
months after the earliest possible principal payment otherwise 171  
provided for in that division. 172

(G) (1) The board of education may contract with an 173  
architect, professional engineer, or other person experienced in 174  
the design and implementation of energy conservation measures 175  
for an analysis and recommendations pertaining to installations, 176  
modifications of installations, or remodeling that would 177  
significantly reduce energy consumption in buildings owned by 178  
the district. The report shall include estimates of all costs of 179  
such installations, modifications, or remodeling, including 180  
costs of design, engineering, installation, maintenance, 181  
repairs, measurement and verification of energy savings, and 182  
debt service, forgone residual value of materials or equipment 183  
replaced by the energy conservation measure, as defined by the 184  
Ohio facilities construction commission, a baseline analysis of 185  
actual energy consumption data for the preceding three years 186  
with the utility baseline based on only the actual energy 187  
consumption data for the preceding twelve months, and estimates 188  
of the amounts by which energy consumption and resultant 189

operational and maintenance costs, as defined by the commission, 190  
would be reduced. 191

If the board finds after receiving the report that the 192  
amount of money the district would spend on such installations, 193  
modifications, or remodeling is not likely to exceed the amount 194  
of money it would save in energy and resultant operational and 195  
maintenance costs over the ensuing fifteen years, the board may 196  
submit to the commission a copy of its findings and a request 197  
for approval to incur indebtedness to finance the making or 198  
modification of installations or the remodeling of buildings for 199  
the purpose of significantly reducing energy consumption. 200

The facilities construction commission, in consultation 201  
with the auditor of state, may deny a request under division (G) 202  
(1) of this section by the board of education of any school 203  
district that is in a state of fiscal watch pursuant to division 204  
(A) of section 3316.03 of the Revised Code, if it determines 205  
that the expenditure of funds is not in the best interest of the 206  
school district. 207

No district board of education of a school district that 208  
is in a state of fiscal emergency pursuant to division (B) of 209  
section 3316.03 of the Revised Code shall submit a request 210  
without submitting evidence that the installations, 211  
modifications, or remodeling have been approved by the 212  
district's financial planning and supervision commission 213  
established under section 3316.05 of the Revised Code. 214

~~No board of education of a school district for which an 215  
academic distress commission has been established under section 216  
3302.10 of the Revised Code shall submit a request without first 217  
receiving approval to incur indebtedness from the district's 218  
academic distress commission established under that section, for 219~~



~~so long as such commission continues to be required for the~~ 220  
~~district.~~ 221

(2) The board of education may contract with a person 222  
experienced in the implementation of student transportation to 223  
produce a report that includes an analysis of and 224  
recommendations for the use of alternative fuel vehicles by 225  
school districts. The report shall include cost estimates 226  
detailing the return on investment over the life of the 227  
alternative fuel vehicles and environmental impact of 228  
alternative fuel vehicles. The report also shall include 229  
estimates of all costs associated with alternative fuel 230  
transportation, including facility modifications and vehicle 231  
purchase costs or conversion costs. 232

If the board finds after receiving the report that the 233  
amount of money the district would spend on purchasing 234  
alternative fuel vehicles or vehicle conversion is not likely to 235  
exceed the amount of money it would save in fuel and resultant 236  
operational and maintenance costs over the ensuing five years, 237  
the board may submit to the commission a copy of its findings 238  
and a request for approval to incur indebtedness to finance the 239  
purchase of new alternative fuel vehicles or vehicle conversions 240  
for the purpose of reducing fuel costs. 241

The facilities construction commission, in consultation 242  
with the auditor of state, may deny a request under division (G) 243  
(2) of this section by the board of education of any school 244  
district that is in a state of fiscal watch pursuant to division 245  
(A) of section 3316.03 of the Revised Code, if it determines 246  
that the expenditure of funds is not in the best interest of the 247  
school district. 248

No district board of education of a school district that 249

is in a state of fiscal emergency pursuant to division (B) of 250  
section 3316.03 of the Revised Code shall submit a request 251  
without submitting evidence that the purchase or conversion of 252  
alternative fuel vehicles has been approved by the district's 253  
financial planning and supervision commission established under 254  
section 3316.05 of the Revised Code. 255

~~No board of education of a school district for which an 256  
academic distress commission has been established under section 257  
3302.10 of the Revised Code shall submit a request without first 258  
receiving approval to incur indebtedness from the district's 259  
academic distress commission established under that section, for 260  
so long as such commission continues to be required for the 261  
district. 262~~

(3) The facilities construction commission shall approve 263  
the board's request provided that the following conditions are 264  
satisfied: 265

(a) The commission determines that the board's findings 266  
are reasonable. 267

(b) The request for approval is complete. 268

(c) If the request was submitted under division (G)(1) of 269  
this section, the installations, modifications, or remodeling 270  
are consistent with any project to construct or acquire 271  
classroom facilities, or to reconstruct or make additions to 272  
existing classroom facilities under sections 3318.01 to 3318.20 273  
or sections 3318.40 to 3318.45 of the Revised Code. 274

Upon receipt of the commission's approval, the district 275  
may issue securities without a vote of the electors in a 276  
principal amount not to exceed nine-tenths of one per cent of 277  
its tax valuation for the purpose specified in division (G)(1) 278

or (2) of this section, but the total net indebtedness of the 279  
district without a vote of the electors incurred under this and 280  
all other sections of the Revised Code, except section 3318.052 281  
of the Revised Code, shall not exceed one per cent of the 282  
district's tax valuation. 283

(4) (a) So long as any securities issued under division (G) 284  
(1) of this section remain outstanding, the board of education 285  
shall monitor the energy consumption and resultant operational 286  
and maintenance costs of buildings in which installations or 287  
modifications have been made or remodeling has been done 288  
pursuant to that division. Except as provided in division (G) (4) 289  
(b) of this section, the board shall maintain and annually 290  
update a report in a form and manner prescribed by the 291  
facilities construction commission documenting the reductions in 292  
energy consumption and resultant operational and maintenance 293  
cost savings attributable to such installations, modifications, 294  
or remodeling. The resultant operational and maintenance cost 295  
savings shall be certified by the school district treasurer. The 296  
report shall be submitted annually to the commission. 297

(b) If the facilities construction commission verifies 298  
that the certified annual reports submitted to the commission by 299  
a board of education under division (G) (4) (a) of this section 300  
fulfill the guarantee required under division (B) of section 301  
3313.372 of the Revised Code for three consecutive years, the 302  
board of education shall no longer be subject to the annual 303  
reporting requirements of division (G) (4) (a) of this section. 304

(5) So long as any securities issued under division (G) (2) 305  
of this section remain outstanding, the board of education shall 306  
monitor the purchase of new alternative fuel vehicles or vehicle 307  
conversions pursuant to that division. The board shall maintain 308

and annually update a report in a form and manner prescribed by 309  
the facilities construction commission documenting the purchase 310  
of new alternative fuel vehicles or vehicle conversions, the 311  
associated environmental impact, and return on investment. The 312  
resultant fuel and operational and maintenance cost savings 313  
shall be certified by the school district treasurer. The report 314  
shall be submitted annually to the commission. 315

(H) With the consent of the superintendent of public 316  
instruction, a school district may incur without a vote of the 317  
electors net indebtedness that exceeds the amounts stated in 318  
divisions (A) and (G) of this section for the purpose of paying 319  
costs of permanent improvements, if and to the extent that both 320  
of the following conditions are satisfied: 321

(1) The fiscal officer of the school district estimates 322  
that receipts of the school district from payments made under or 323  
pursuant to agreements entered into pursuant to section 725.02, 324  
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 325  
5709.45, 5709.57, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, 326  
or 5709.82 of the Revised Code, or distributions under division 327  
(C) of section 5709.43 or division (B) of section 5709.47 of the 328  
Revised Code, or any combination thereof, are, after accounting 329  
for any appropriate coverage requirements, sufficient in time 330  
and amount, and are committed by the proceedings, to pay the 331  
debt charges on the securities issued to evidence that 332  
indebtedness and payable from those receipts, and the taxing 333  
authority of the district confirms the fiscal officer's 334  
estimate, which confirmation is approved by the superintendent 335  
of public instruction; 336

(2) The fiscal officer of the school district certifies, 337  
and the taxing authority of the district confirms, that the 338

district, at the time of the certification and confirmation, 339  
reasonably expects to have sufficient revenue available for the 340  
purpose of operating such permanent improvements for their 341  
intended purpose upon acquisition or completion thereof, and the 342  
superintendent of public instruction approves the taxing 343  
authority's confirmation. 344

The maximum maturity of securities issued under division 345  
(H) of this section shall be the lesser of twenty years or the 346  
maximum maturity calculated under section 133.20 of the Revised 347  
Code. 348

(I) A school district may incur net indebtedness by the 349  
issuance of securities in accordance with the provisions of this 350  
chapter in excess of the limit specified in division (B) or (C) 351  
of this section when necessary to raise the school district 352  
portion of the basic project cost and any additional funds 353  
necessary to participate in a project under Chapter 3318. of the 354  
Revised Code, including the cost of items designated by the 355  
facilities construction commission as required locally funded 356  
initiatives, the cost of other locally funded initiatives in an 357  
amount that does not exceed fifty per cent of the district's 358  
portion of the basic project cost, and the cost for site 359  
acquisition. The commission shall notify the superintendent of 360  
public instruction whenever a school district will exceed either 361  
limit pursuant to this division. 362

(J) A school district whose portion of the basic project 363  
cost of its classroom facilities project under sections 3318.01 364  
to 3318.20 of the Revised Code is greater than or equal to one 365  
hundred million dollars may incur without a vote of the electors 366  
net indebtedness in an amount up to two per cent of its tax 367  
valuation through the issuance of general obligation securities 368

in order to generate all or part of the amount of its portion of 369  
the basic project cost if the controlling board has approved the 370  
facilities construction commission's conditional approval of the 371  
project under section 3318.04 of the Revised Code. The school 372  
district board and the Ohio facilities construction commission 373  
shall include the dedication of the proceeds of such securities 374  
in the agreement entered into under section 3318.08 of the 375  
Revised Code. No state moneys shall be released for a project to 376  
which this section applies until the proceeds of any bonds 377  
issued under this section that are dedicated for the payment of 378  
the school district portion of the project are first deposited 379  
into the school district's project construction fund. 380

**Sec. 3302.036.** (A) Notwithstanding anything in the Revised 381  
Code to the contrary, the department of education shall not 382  
assign an overall letter grade under division (C)(3) of section 383  
3302.03 of the Revised Code for any school district or building 384  
for the 2014-2015, 2015-2016, ~~or~~ and 2016-2017 school years, 385  
may, at the discretion of the state board of education, not 386  
assign an individual grade to any component prescribed under 387  
division (C)(3) of section 3302.03 of the Revised Code, and 388  
shall not rank school districts, community schools established 389  
under Chapter 3314. of the Revised Code, or STEM schools 390  
established under Chapter 3326. of the Revised Code under 391  
section 3302.21 of the Revised Code for those school years. The 392  
report card ratings issued for the 2014-2015, 2015-2016, ~~or~~ and 393  
2016-2017 school years shall not be considered in determining 394  
whether a school district or a school is subject to sanctions or 395  
penalties. However, the report card ratings of any previous or 396  
subsequent years shall be considered in determining whether a 397  
school district or building is subject to sanctions or 398  
penalties. Accordingly, the report card ratings for the 2014- 399

2015, 2015-2016, ~~or~~ and 2016-2017 school years shall have no 400  
effect in determining sanctions or penalties, but shall not 401  
create a new starting point for determinations that are based on 402  
ratings over multiple years. 403

(B) The provisions from which a district or school is 404  
exempt under division (A) of this section shall be the 405  
following: 406

(1) Any restructuring provisions established under this 407  
chapter, except as required under the "No Child Left Behind Act 408  
of 2001"; 409

(2) Provisions for the Columbus city school pilot project 410  
under section 3302.042 of the Revised Code; 411

~~(3) Provisions for academic distress commissions under 412  
former section 3302.10 of the Revised Code as it existed prior 413  
to the effective date of this amendment. The provisions of this 414  
section do not apply to academic distress commissions under the 415  
version of that section as it exists on or after the effective 416  
date of this amendment. 417~~

~~(4) Provisions prescribing new buildings where students 418  
are eligible for the educational choice scholarships under 419  
section 3310.03 of the Revised Code; 420~~

~~(5) (4) Provisions defining "challenged school districts" 421  
in which new start-up community schools may be located, as 422  
prescribed in section 3314.02 of the Revised Code; 423~~

~~(6) (5) Provisions prescribing community school closure 424  
requirements under section 3314.35 or 3314.351 of the Revised 425  
Code. 426~~

(C) Notwithstanding anything in the Revised Code to the 427

contrary and except as provided in Section 3 of H.B. 7 of the 428  
131st general assembly, no school district, community school, or 429  
STEM school shall utilize at any time during a student's 430  
academic career a student's score on any assessment administered 431  
under division (A) of section 3301.0710 or division (B) (2) of 432  
section 3301.0712 of the Revised Code in the 2014-2015, 2015- 433  
2016, ~~or and~~ 2016-2017 school ~~year~~ years as a factor in any 434  
decision to promote or to deny the student promotion to a higher 435  
grade level or in any decision to grant course credit. No 436  
individual student score reports on such assessments 437  
administered in the 2014-2015, 2015-2016, or 2016-2017 school 438  
years shall be released, except to a student's school district 439  
or school or to the student or the student's parent or guardian. 440

**Sec. 3302.042.** (A) This section shall operate as a pilot 441  
project that applies to any school that has been ranked 442  
according to performance index score under section 3302.21 of 443  
the Revised Code in the lowest five per cent of all public 444  
school buildings statewide for three or more consecutive school 445  
years and is operated by the Columbus city school district. The 446  
pilot project shall commence once the department of education 447  
establishes implementation guidelines for the pilot project in 448  
consultation with the Columbus city school district. 449

(B) Except as provided in division (D), (E), or (F) of 450  
this section, if the parents or guardians of at least fifty per 451  
cent of the students enrolled in a school to which this section 452  
applies, or if the parents or guardians of at least fifty per 453  
cent of the total number of students enrolled in that school and 454  
the schools of lower grade levels whose students typically 455  
matriculate into that school, by the thirty-first day of 456  
December of any school year in which the school is subject to 457  
this section, sign and file with the school district treasurer a 458



petition requesting the district board of education to implement 459  
one of the following reforms in the school, and if the validity 460  
and sufficiency of the petition is certified in accordance with 461  
division (C) of this section, the board shall implement the 462  
requested reform in the next school year: 463

(1) Reopen the school as a community school under Chapter 464  
3314. of the Revised Code; 465

(2) Replace at least seventy per cent of the school's 466  
personnel who are related to the school's poor academic 467  
performance or, at the request of the petitioners, retain not 468  
more than thirty per cent of the personnel; 469

(3) Contract with another school district or a nonprofit 470  
or for-profit entity with a demonstrated record of effectiveness 471  
to operate the school; 472

(4) Turn operation of the school over to the department; 473

(5) Any other major restructuring of the school that makes 474  
fundamental reforms in the school's staffing or governance. 475

(C) Not later than thirty days after receipt of a petition 476  
under division (B) of this section, the district treasurer shall 477  
verify the validity and sufficiency of the signatures on the 478  
petition and certify to the district board whether the petition 479  
contains the necessary number of valid signatures to require the 480  
board to implement the reform requested by the petitioners. If 481  
the treasurer certifies to the district board that the petition 482  
does not contain the necessary number of valid signatures, any 483  
person who signed the petition may file an appeal with the 484  
county auditor within ten days after the certification. Not 485  
later than thirty days after the filing of an appeal, the county 486  
auditor shall conduct an independent verification of the 487

validity and sufficiency of the signatures on the petition and 488  
certify to the district board whether the petition contains the 489  
necessary number of valid signatures to require the board to 490  
implement the requested reform. If the treasurer or county 491  
auditor certifies that the petition contains the necessary 492  
number of valid signatures, the district board shall notify the 493  
superintendent of public instruction and the state board of 494  
education of the certification. 495

(D) The district board shall not implement the reform 496  
requested by the petitioners in any of the following 497  
circumstances: 498

(1) The district board has determined that the request is 499  
for reasons other than improving student academic achievement or 500  
student safety. 501

(2) The state superintendent has determined that 502  
implementation of the requested reform would not comply with the 503  
model of differentiated accountability described in section 504  
3302.041 of the Revised Code. 505

(3) The petitioners have requested the district board to 506  
implement the reform described in division (B)(4) of this 507  
section and the department has not agreed to take over the 508  
school's operation. 509

(4) When all of the following have occurred: 510

(a) After a public hearing on the matter, the district 511  
board issued a written statement explaining the reasons that it 512  
is unable to implement the requested reform and agreeing to 513  
implement one of the other reforms described in division (B) of 514  
this section. 515

(b) The district board submitted its written statement to 516

the state superintendent and the state board along with evidence 517  
showing how the alternative reform the district board has agreed 518  
to implement will enable the school to improve its academic 519  
performance. 520

(c) Both the state superintendent and the state board have 521  
approved implementation of the alternative reform. 522

(E) If the provisions of this section conflict in any way 523  
with the requirements of federal law, federal law shall prevail 524  
over the provisions of this section. 525

(F) If a school is restructured under this section 7 or 526  
~~section 3302.10 or~~ 3302.12 of the Revised Code, or federal law, 527  
the school shall not be required to restructure again under 528  
state law for three consecutive years after the implementation 529  
of that prior restructuring. 530

(G) Beginning not later than six months after the first 531  
petition under this section has been resolved, the department of 532  
education shall annually evaluate the pilot program and submit a 533  
report to the general assembly under section 101.68 of the 534  
Revised Code. Such reports shall contain its recommendations to 535  
the general assembly with respect to the continuation of the 536  
pilot program, its expansion to other school districts, or the 537  
enactment of further legislation establishing the program 538  
statewide under permanent law. 539

Sec. 3302.10. (A) (1) Any academic distress commission 540  
organized for a school district under former section 3302.10 of 541  
the Revised Code, as it existed prior to the effective date of 542  
the enactment of this new section, is hereby dissolved. The 543  
board of education of each district wherein an academic distress 544  
commission previously had been established shall reassume all of 545

the powers granted to it under the Revised Code. 546

(2) Each low-performing building operated by a school 547  
district for which an academic distress commission was created 548  
shall begin transitioning to a community learning center model 549  
under the mandatory process described in this section. 550

(B) Beginning July 1, 2019, each district board of 551  
education shall initiate the processes for each low-performing 552  
school building, as determined by the department of education, 553  
operated by the district as follows: 554

(1) For the first school year the building is designated 555  
low-performing, convene a group of community stakeholders to 556  
conduct a performance audit and review of the school and begin 557  
developing an improvement plan, as defined by division (F) of 558  
section 3302.17 of the Revised Code. The school also shall be 559  
encouraged to hire a resource coordinator, as described in 560  
division (A) (2) of section 3302.18 of the Revised Code. 561

(2) For the second consecutive year the building is 562  
designated low-performing, finalize the improvement plan 563  
prescribed in division (B) (1) of this section and hire a 564  
resource coordinator, as described in division (A) (2) of section 565  
3302.18 of the Revised Code. 566

(3) For the third consecutive year the building is 567  
designated low-performing, use the finalized improvement plan 568  
prescribed in division (B) (2) of this section in the 569  
implementation of a community learning center model under the 570  
mandatory process described in this section. 571

(4) Voluntary implementation of a community learning 572  
center for a building that is no longer subject to division (B) 573  
(1) or (2) of this section shall be in accordance with the 574

process prescribed in section 3302.17 of the Revised Code. 575

(C) The school district board of education shall conduct a 576  
public information hearing at each school building to which this 577  
section applies to inform the community of the community 578  
learning center process prescribed by division (B)(3) of this 579  
section. The board may do all of the following with regard to 580  
the public information hearing: 581

(1) Announce the meeting not less than forty-five days in 582  
advance at the school and on the school's or district's web site 583  
and use tools to ensure effective communication with individuals 584  
with disabilities; 585

(2) Schedule the meeting for an evening or weekend time; 586

(3) Provide interpretation services and written materials 587  
in all languages spoken by five per cent or more of the students 588  
enrolled in the school; 589

(4) Provide child care services for parents attending the 590  
meeting; 591

(5) Provide parents, students, teachers, nonteaching 592  
employees, and community members with the opportunity to speak 593  
at the meeting; 594

(6) Comply with section 149.43 of the Revised Code. 595

In preparing for the public information hearing, the board 596  
shall ensure that information about the hearing is broadly 597  
distributed throughout the community. 598

The board may enter into an agreement with any civic 599  
engagement organization, community organization, or employee 600  
organization to support the implementation of the community 601  
learning center process. 602

The board shall conduct a follow-up hearing at least once 603  
annually until action is further taken under this section with 604  
respect to the school building or until the conditions described 605  
in division (B) of this section no longer apply to the school 606  
building. 607

(D) If a community learning center process is initiated 608  
under this section, the board shall use the group of community 609  
stakeholders, described in division (B) of this section, to 610  
create a school action team under section 3302.18 of the Revised 611  
Code. Within thirty days of selection, the school action team 612  
shall conduct its own performance audit of the school and 613  
review, with parental input, the needs of the school with regard 614  
to restructuring under section 3302.042 or 3302.12 of the 615  
Revised Code, or federal law. 616

The school action team shall provide quarterly updates of 617  
its work in a public hearing that complies with the same 618  
specifications of division (C) of this section. 619

(E) Upon completion of the audit and review process, the 620  
school action team shall present its findings at a public 621  
hearing that complies with the same specifications prescribed in 622  
division (C) of this section. After the school action team 623  
presents its findings at the public hearing, it shall either 624  
adopt the improvement plan prescribed under division (B) (2) of 625  
this section or create its own plan that designates appropriate 626  
interventions, which may be based on the recommendations 627  
developed by the department of education under division (G) (1) 628  
(a) of this section. 629

If there is a federally mandated school improvement 630  
planning process, the team shall coordinate its work with that 631  
plan. 632

The school action team shall approve the plan by a majority vote. 633  
634

(F) Upon approval of the plan by the school action team, the plan shall be submitted to the district board of education. 635  
636

The board shall evaluate the plan and adopt it in full or adopt portions of the plan. If the board does not adopt the plan in full, it shall provide a written explanation of why portions of the plan were rejected. The school action team shall then redevelop those portions of the plan in conjunction with the suggestions of the board and present those changes within thirty days. 637  
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(G) (1) The department shall do all of the following with respect to this section: 644  
645

(a) Develop appropriate interventions for a community learning center improvement plan that may be used by a school action team; 646  
647  
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(b) Publish a menu of programs and services that may be offered by community learning centers. The information shall be posted on the department's web site. To compile this information, the department shall solicit input from resource coordinators of existing community learning centers. 649  
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(c) Provide information regarding implementation of comprehensive community-based programs and supportive services including the community learning center model to school buildings meeting any of the following conditions: 654  
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(i) The building is a secondary school that is among the lowest achieving fifteen per cent of secondary schools statewide, as determined by the department. 658  
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(ii) The building is a secondary school with a graduation rate of sixty per cent or lower for three or more consecutive years. 661  
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(iii) The building is a school that the department determines is persistently low performing. 664  
665

(2) The department may do the following with respect to this section: 666  
667

(a) Provide assistance, facilitation, and training to community stakeholders or school action teams in the conducting of the audit required under this section; 668  
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670

(b) Provide opportunities for members of school action teams from different schools to share school improvement strategies with parents, teachers, and other relevant stakeholders in higher performing schools; 671  
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(c) Provide financial support in a school action team's planning process and create a grant program to assist in the implementation of a qualified community learning center plan. 675  
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(H) For purposes of this section, the state board of education shall adopt rules establishing the criteria for determining whether a school is a low-performing school. 678  
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**Sec. 3302.12.** (A) (1) Except as provided in divisions (C) and (D) of this section, this section applies to a school building that is ranked according to performance index score under section 3302.21 of the Revised Code in the lowest five per cent of public school buildings statewide for three consecutive years and that meets any combination of the following for three consecutive years: 681  
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(a) The school building is declared to be under an 688



academic watch or in a state of academic emergency under section 689  
3302.03 of the Revised Code; 690

(b) The school building that has received a grade of "F" 691  
for the value-added progress dimension under division (A) (1) (e), 692  
(B) (1) (e), or (C) (1) (e) of section 3302.03 of the Revised Code; 693

(c) The school building that has received an overall grade 694  
of "F" under section 3302.03 of the Revised Code. 695

(2) In the case of a building to which this section 696  
applies, the district board of education in control of that 697  
building shall do one of the following at the conclusion of the 698  
school year in which the building first becomes subject to this 699  
section: 700

(a) Close the school and direct the district 701  
superintendent to reassign the students enrolled in the school 702  
to other school buildings that demonstrate higher academic 703  
achievement; 704

(b) Contract with another school district or a nonprofit 705  
or for-profit entity with a demonstrated record of effectiveness 706  
to operate the school; 707

(c) Replace the principal and all teaching staff of the 708  
school and, upon request from the new principal, exempt the 709  
school from all requested policies and regulations of the board 710  
regarding curriculum and instruction. The board also shall 711  
distribute funding to the school in an amount that is at least 712  
equal to the product of the per pupil amount of state and local 713  
revenues received by the district multiplied by the student 714  
population of the school. 715

(d) Reopen the school as a conversion community school 716  
under Chapter 3314. of the Revised Code. 717

(B) If an action taken by the board under division (A) (2) 718  
of this section causes the district to no longer maintain all 719  
grades kindergarten through twelve, as required by section 720  
3311.29 of the Revised Code, the board shall enter into a 721  
contract with another school district pursuant to section 722  
3327.04 of the Revised Code for enrollment of students in the 723  
schools of that other district to the extent necessary to comply 724  
with the requirement of section 3311.29 of the Revised Code. 725  
Notwithstanding any provision of the Revised Code to the 726  
contrary, if the board enters into and maintains a contract 727  
under section 3327.04 of the Revised Code, the district shall 728  
not be considered to have failed to comply with the requirement 729  
of section 3311.29 of the Revised Code. If, however, the 730  
district board fails to or is unable to enter into or maintain 731  
such a contract, the state board of education shall take all 732  
necessary actions to dissolve the district as provided in 733  
division (A) of section 3311.29 of the Revised Code. 734

(C) If a particular school is required to restructure 735  
under this section and a petition with respect to that same 736  
school has been filed and verified under divisions (B) and (C) 737  
of section 3302.042 of the Revised Code, the provisions of that 738  
section and the petition filed and verified under it shall 739  
prevail over the provisions of this section and the school shall 740  
be restructured under that section. However, if division (D) (1), 741  
(2), or (3) of section 3302.042 of the Revised Code also applies 742  
to the school, the school shall be subject to restructuring 743  
under this section and not section 3302.042 of the Revised Code. 744

If the provisions of this section conflict in any way with 745  
the requirements of federal law, federal law shall prevail over 746  
the provisions of this section. 747

(D) If a school is restructured under this section ~~7~~ or 748  
section 3302.042 ~~or 3302.10~~ of the Revised Code, or federal law, 749  
the school shall not be required to restructure again under 750  
state law for three consecutive years after the implementation 751  
of that prior restructuring. 752

**Sec. 3302.16.** (A) (1) As used in sections 3302.10, 3302.17, 753  
and 3302.18 of the Revised Code, "community learning center" 754  
means a school operated by a city, exempted village, or local 755  
school district or community school established under Chapter 756  
3314. of the Revised Code that participates in a coordinated, 757  
community-based effort with community partners to provide 758  
comprehensive educational, developmental, family, and health 759  
services to students, families, and community members during 760  
school hours and hours in which school is not in session. 761

(2) For purposes of this section and sections 3302.10, 762  
3302.17, and 3302.18 of the Revised Code, "community partner" 763  
means a provider to students, families, or community members of 764  
health care services, on-site resource coordinators, and any 765  
other services or programs determined appropriate by a school 766  
action team created under section 3302.18 of the Revised Code. 767

(B) Prior to providing health services to a student, a 768  
community learning center shall obtain the written consent of 769  
the student's parent, guardian, or custodian, if the student is 770  
less than eighteen years old, or the written consent of the 771  
student, if the student is at least eighteen years old. 772

(C) A community learning center and any employee, 773  
contractor, or volunteer of a community learning center shall, 774  
in accordance with all applicable state and federal laws, 775  
maintain the confidentiality of patient-identifying information 776  
obtained in the course of providing health services. 777

**Sec. 3302.17.** (A) Any school building operated by a city, 778  
exempted village, or local school district, or a community 779  
school established under Chapter 3314. of the Revised Code ~~is~~ 780  
~~eligible to~~ that is not required to initiate a community 781  
learning center process under section 3302.10 of the Revised 782  
Code may initiate the community learning center process as 783  
~~prescribed by~~ in accordance with this section. 784

(B) Beginning with the 2015-2016 school year, each 785  
district board of education or community school governing 786  
authority may initiate a community learning center process for 787  
any school building ~~to which this section applies~~ under the 788  
district board's or governing authority's control. 789

First, the board or governing authority shall conduct a 790  
public information hearing at each school building to which this 791  
section applies to inform the community of the community 792  
learning center process. The board or governing authority may do 793  
all of the following with regard to the public information 794  
hearing: 795

(1) Announce the meeting not less than forty-five days in 796  
advance at the school and on the school's or district's web 797  
sites and using tools to ensure effective communication with 798  
individuals with disabilities; 799

(2) Schedule the meeting for an evening or weekend time; 800

(3) Provide interpretation services and written materials 801  
in all languages spoken by five per cent or more of the students 802  
enrolled in the school; 803

(4) Provide child care services for parents attending the 804  
meeting; 805

(5) Provide parents, students, teachers, nonteaching 806

employees, and community members with the opportunity to speak 807  
at the meeting; 808

(6) Comply with section 149.43 of the Revised Code. 809

In preparing for the public information hearing, the board 810  
or governing authority shall ensure that information about the 811  
hearing is broadly distributed throughout the community. 812

The board or governing authority may enter into an 813  
agreement with any civic engagement organizations, community 814  
organizations, or employee organizations to support the 815  
implementation of the community learning center process. 816

The board or governing authority shall conduct a follow-up 817  
hearing at least once annually until action is further taken 818  
under the section with respect to the school building or until 819  
the conditions described in division (A) of this section no 820  
longer apply to the school building. 821

(C) Not sooner than forty-five days after the first public 822  
information hearing, the board or governing authority shall 823  
conduct an election, by paper ballot, to initiate the process to 824  
become a community learning center. Only parents or guardians of 825  
students enrolled in the school and students enrolled in a 826  
different school operated by a joint vocational school district 827  
but are otherwise entitled to attend the school, and teachers 828  
and nonteaching employees who are assigned to the school may 829  
vote in the election. 830

The board or governing authority shall distribute the 831  
ballots by mail and shall make copies available at the school 832  
and on the web site of the school. The board or governing 833  
authority also may distribute the ballots by directly giving 834  
ballots to teachers and nonteaching employees and sending home 835

ballots with every student enrolled in the school building. 836

(D) The board or governing authority shall initiate the 837  
transition of the building to a community learning center if the 838  
results of the election held under division (C) of this section 839  
are as follows: 840

(1) At least fifty per cent of parents and guardians of 841  
students enrolled in the eligible school building and students 842  
enrolled in a different building operated by a joint vocational 843  
school district but who are entitled to attend the school cast 844  
ballots by a date set by the board or governing authority, and 845  
of those ballots at least sixty-seven per cent are in favor of 846  
initiating the process; and 847

(2) At least fifty per cent of teachers and nonteaching 848  
employees who are assigned to the school cast ballots by a date 849  
set by the board or governing authority, and of those ballots at 850  
least sixty-seven per cent are in favor of initiating the 851  
process. 852

(E) If a community learning center process is initiated 853  
under this section, the board or governing authority shall 854  
create a school action team under section 3302.18 of the Revised 855  
Code. Within four months upon selection, the school action team 856  
shall conduct and complete, in consultation with community 857  
partners, a performance audit of the school and review, with 858  
parental input, the needs of the school with regard to 859  
restructuring under section ~~3302.10~~, 3302.12, or 3302.042 of the 860  
Revised Code, or federal law. 861

The school action team shall provide quarterly updates of 862  
its work in a public hearing that complies with the same 863  
specifications prescribed in division (B) of this section. 864

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

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

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

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

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

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

initiating the process; and 894

(2) At least thirty per cent of teachers and nonteaching 895  
employees who are assigned to the school cast ballots by a date 896  
set by the board or governing authority, and of those ballots at 897  
least fifty per cent are in favor of initiating the process. 898

The board or governing authority shall evaluate the plan 899  
and determine whether to adopt it. The board or governing 900  
authority shall adopt the plan in full or adopt portions of the 901  
plan. If the board or governing authority does not adopt the 902  
plan in full, it shall provide a written explanation of why 903  
portions of the plan were rejected. 904

(H) (1) The department shall do all of the following with 905  
respect to this section: 906

(a) Adopt rules regarding the elections required under 907  
this section; 908

(b) Develop appropriate interventions for a community 909  
learning center improvement plan that may be used by a school 910  
action team under division (F) of this section; 911

(c) Publish a menu of programs and services that may be 912  
offered by community learning centers. The information shall be 913  
posted on the department's web site. To compile this information 914  
the department shall solicit input from resource coordinators of 915  
existing community learning centers. 916

(d) Provide information regarding implementation of 917  
comprehensive community-based programs and supportive services 918  
including the community learning center model to school 919  
buildings meeting any of the following conditions: 920

(i) The building is in improvement status as defined by 921



the "No Child Left Behind Act of 2001" or under an agreement 922  
between the Ohio department of education and the United States 923  
secretary of education. 924

(ii) The building is a secondary school that is among the 925  
lowest achieving fifteen per cent of secondary schools 926  
statewide, as determined by the department. 927

(iii) The building is a secondary school with a graduation 928  
rate of sixty per cent or lower for three or more consecutive 929  
years. 930

(iv) The building is a school that the department 931  
determines is persistently low-performing. 932

(2) The department may do the following with respect to 933  
this section: 934

(a) Provide assistance, facilitation, and training to 935  
school action teams in the conducting of the audit required 936  
under this section; 937

(b) Provide opportunities for members of school action 938  
teams from different schools to share school improvement 939  
strategies with parents, teachers, and other relevant 940  
stakeholders in higher performing schools; 941

(c) Provide financial support in a school action team's 942  
planning process and create a grant program to assist in the 943  
implementation of a qualified community learning center plan. 944

(I) Notwithstanding any provision to the contrary in 945  
Chapter 4117. of the Revised Code, the requirements of this 946  
section prevail over any conflicting provisions of a collective 947  
bargaining agreement entered into on or after ~~the effective date~~ 948  
~~of this section~~ October 15, 2015. However, the board or 949

governing authority and the teachers' labor organization may 950  
negotiate additional factors to be considered in the adoption of 951  
a community learning center plan. 952

**Sec. 3302.18.** (A) (1) If a community learning center 953  
process is initiated under section 3302.10 or 3302.17 of the 954  
Revised Code for any school building operated by a city, 955  
exempted village, or local school district or a community school 956  
established under Chapter 3314. of the Revised Code, the 957  
district board of education or community school governing 958  
authority shall create a school action team for the school 959  
building. The team shall consist of twelve members, as follows: 960

(a) Seven individuals, consisting of parents or guardians 961  
of students enrolled in the school and members of the community 962  
who are not teachers or nonteaching employees, as elected by 963  
their peers; 964

(b) Five teachers and nonteaching employees who are 965  
assigned to the school building and are not parents or guardians 966  
of students enrolled in the school, as elected by their peers. 967

(2) To assist a school action team initiated under section 968  
3302.10 or 3302.17 of the Revised Code, the district board, 969  
community school governing authority, or community partner shall 970  
select an individual who is employed by the district, school, or 971  
community partner to serve as the resource coordinator for the 972  
community learning center. The school action team shall make 973  
recommendations to the board, governing authority, or community 974  
partner on potential candidates. The resource coordinator shall 975  
not be considered a member of a school action team. The resource 976  
coordinator shall assist in the development and coordination of 977  
programs and services for the community learning center. 978

(B) All members of a school action team shall serve as voting members. Terms of office shall be for three years, and vacancies shall be filled in the same manner as the original appointment.	979 980 981 982
Members shall serve without compensation.	983
(C) In addition to the responsibilities listed in section 3302.17 of the Revised Code, the school action team shall do all of the following:	984 985 986
(1) Monitor and assist in the implementation of the school improvement plan, if adopted;	987 988
(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;	989 990 991 992
(3) Advise on school budgets;	993
(4) Establish ongoing mechanisms that engage students, parents, and community members in the school;	994 995
(5) Continue to collect feedback and information from parents using an annual survey;	996 997
(6) Develop and approve a written parent involvement policy that outlines the role of parents and guardians in the school;	998 999 1000
(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;	1001 1002 1003 1004 1005

(8) Receive regular updates from the principal on policy matters affecting the school and provide advice on such matters; 1006  
1007

(9) Meet regularly with parents and community members to discuss policy matters affecting the school. 1008  
1009

**Sec. 3310.03.** A student is an "eligible student" for purposes of the educational choice scholarship pilot program if the student's resident district is not a school district in which the pilot project scholarship program is operating under sections 3313.974 to 3313.979 of the Revised Code and the student satisfies one of the conditions in division (A), (B), (C), (D), or (E) of this section: 1010  
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(A) (1) The student is enrolled in a school building operated by the student's resident district that, on the report card issued under section 3302.03 of the Revised Code published prior to the first day of July of the school year for which a scholarship is sought, did not receive a rating as described in division ~~(H)~~(I) of this section, and to which any or a combination of any of the following apply for two of the three most recent report cards published prior to the first day of July of the school year for which a scholarship is sought: 1017  
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(a) The building was declared to be in a state of academic emergency or academic watch under section 3302.03 of the Revised Code as that section existed prior to March 22, 2013. 1026  
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(b) The building received a grade of "D" or "F" for the performance index score under division (A) (1) (b) or (B) (1) (b) of section 3302.03 of the Revised Code and for the value-added progress dimension under division (A) (1) (e) or (B) (1) (e) of section 3302.03 of the Revised Code for the 2012-2013, 2013-2014, 2014-2015, or 2015-2016 school year; or if the building 1029  
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serves only grades ten through twelve, the building received a 1035  
grade of "D" or "F" for the performance index score under 1036  
division (A) (1) (b) or (B) (1) (b) of section 3302.03 of the 1037  
Revised Code and had a four-year adjusted cohort graduation rate 1038  
of less than seventy-five per cent. 1039

(c) The building received an overall grade of "D" or "F" 1040  
under division (C) (3) of section 3302.03 of the Revised Code or 1041  
a grade of "F" for the value-added progress dimension under 1042  
division (C) (1) (e) of section 3302.03 of the Revised Code for 1043  
the 2016-2017 school year or any school year thereafter. 1044

(2) The student will be enrolling in any of grades 1045  
kindergarten through twelve in this state for the first time in 1046  
the school year for which a scholarship is sought, will be at 1047  
least five years of age by the first day of January of the 1048  
school year for which a scholarship is sought, and otherwise 1049  
would be assigned under section 3319.01 of the Revised Code in 1050  
the school year for which a scholarship is sought, to a school 1051  
building described in division (A) (1) of this section. 1052

(3) The student is enrolled in a community school 1053  
established under Chapter 3314. of the Revised Code but 1054  
otherwise would be assigned under section 3319.01 of the Revised 1055  
Code to a building described in division (A) (1) of this section. 1056

(4) The student is enrolled in a school building operated 1057  
by the student's resident district or in a community school 1058  
established under Chapter 3314. of the Revised Code and 1059  
otherwise would be assigned under section 3319.01 of the Revised 1060  
Code to a school building described in division (A) (1) of this 1061  
section in the school year for which the scholarship is sought. 1062

(5) The student will be both enrolling in any of grades 1063

kindergarten through twelve in this state for the first time and 1064  
at least five years of age by the first day of January of the 1065  
school year for which a scholarship is sought, or is enrolled in 1066  
a community school established under Chapter 3314. of the 1067  
Revised Code, and all of the following apply to the student's 1068  
resident district: 1069

(a) The district has in force an intradistrict open 1070  
enrollment policy under which no student in the student's grade 1071  
level is automatically assigned to a particular school building; 1072

(b) In the most recent rating published prior to the first 1073  
day of July of the school year for which scholarship is sought, 1074  
the district did not receive a rating described in division ~~(H)~~ 1075  
(I) of this section, and in at least two of the three most 1076  
recent report cards published prior to the first day of July of 1077  
that school year, any or a combination of the following apply to 1078  
the district: 1079

(i) The district was declared to be in a state of academic 1080  
emergency under section 3302.03 of the Revised Code as it 1081  
existed prior to March 22, 2013. 1082

(ii) The district received a grade of "D" or "F" for the 1083  
performance index score under division (A) (1) (b) or (B) (1) (b) of 1084  
section 3302.03 of the Revised Code and for the value-added 1085  
progress dimension under division (A) (1) (e) or (B) (1) (e) of 1086  
section 3302.03 of the Revised Code for the 2012-2013, 2013- 1087  
2014, 2014-2015, or 2015-2016 school year. 1088

(c) The district received an overall grade of "D" or "F" 1089  
under division (C) (3) of section 3302.03 of the Revised Code or 1090  
a grade of "F" for the value-added progress dimension under 1091  
division (C) (1) (e) of section 3302.03 of the Revised Code for 1092

the 2016-2017 school year or any school year thereafter. 1093

(6) Beginning in the 2016-2017 school year, the student is 1094  
enrolled in or will be enrolling in a building in the school 1095  
year for which the scholarship is sought that serves any of 1096  
grades nine through twelve and that received a grade of "D" or 1097  
"F" for the four-year adjusted cohort graduation rate under 1098  
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of section 3302.03 1099  
of the Revised Code in two of the three most recent report cards 1100  
published prior to the first day of July of the school year for 1101  
which a scholarship is sought. 1102

(B) (1) The student is enrolled in a school building 1103  
operated by the student's resident district and to which both of 1104  
the following apply: 1105

(a) The building was ranked, for at least two of the three 1106  
most recent rankings prior to the first day of July of the 1107  
school year for which a scholarship is sought, in the lowest ten 1108  
per cent of all buildings operated by city, local, and exempted 1109  
village school districts according to performance index score as 1110  
determined by the department of education. 1111

(b) The building was not declared to be excellent or 1112  
effective, or the equivalent of such ratings as determined by 1113  
the department, under section 3302.03 of the Revised Code in the 1114  
most recent rating published prior to the first day of July of 1115  
the school year for which a scholarship is sought. 1116

(2) The student will be enrolling in any of grades 1117  
kindergarten through twelve in this state for the first time in 1118  
the school year for which a scholarship is sought, will be at 1119  
least five years of age, as defined in section 3321.01 of the 1120  
Revised Code, by the first day of January of the school year for 1121

which a scholarship is sought, and otherwise would be assigned 1122  
under section 3319.01 of the Revised Code in the school year for 1123  
which a scholarship is sought, to a school building described in 1124  
division (B) (1) of this section. 1125

(3) The student is enrolled in a community school 1126  
established under Chapter 3314. of the Revised Code but 1127  
otherwise would be assigned under section 3319.01 of the Revised 1128  
Code to a building described in division (B) (1) of this section. 1129

(4) The student is enrolled in a school building operated 1130  
by the student's resident district or in a community school 1131  
established under Chapter 3314. of the Revised Code and 1132  
otherwise would be assigned under section 3319.01 of the Revised 1133  
Code to a school building described in division (B) (1) of this 1134  
section in the school year for which the scholarship is sought. 1135

(C) The student is enrolled in a nonpublic school at the 1136  
time the school is granted a charter by the state board of 1137  
education under section 3301.16 of the Revised Code and the 1138  
student meets the standards of division (B) of section 3310.031 1139  
of the Revised Code. 1140

(D) For the 2016-2017 school year and each school year 1141  
thereafter, the student is in any of grades kindergarten through 1142  
three, is enrolled in a school building that is operated by the 1143  
student's resident district or will be enrolling in any of 1144  
grades kindergarten through twelve in this state for the first 1145  
time in the school year for which a scholarship is sought, and 1146  
to which both of the following apply: 1147

(1) The building, in at least two of the three most recent 1148  
ratings of school buildings published prior to the first day of 1149  
July of the school year for which a scholarship is sought, 1150



received a grade of "D" or "F" for making progress in improving 1151  
literacy in grades kindergarten through three under division (B) 1152  
(1) (g) or (C) (1) (g) of section 3302.03 of the Revised Code; 1153

(2) The building did not receive a grade of "A" for making 1154  
progress in improving literacy in grades kindergarten through 1155  
three under division (B) (1) (g) or (C) (1) (g) of section 3302.03 1156  
of the Revised Code in the most recent rating published prior to 1157  
the first day of July of the school year for which a scholarship 1158  
is sought. 1159

(E) The student's resident district is subject to former 1160  
section 3302.10 of the Revised Code as it existed prior to the 1161  
effective date of this amendment and the student either: 1162

(1) Is enrolled in a school building operated by the 1163  
resident district or in a community school established under 1164  
Chapter 3314. of the Revised Code; 1165

(2) Will be both enrolling in any of grades kindergarten 1166  
through twelve in this state for the first time and at least 1167  
five years of age by the first day of January of the school year 1168  
for which a scholarship is sought. 1169

(F) A student who receives a scholarship under the 1170  
educational choice scholarship pilot program remains an eligible 1171  
student and may continue to receive scholarships in subsequent 1172  
school years until the student completes grade twelve, so long 1173  
as all of the following apply: 1174

(1) The student's resident district remains the same, or 1175  
the student transfers to a new resident district and otherwise 1176  
would be assigned in the new resident district to a school 1177  
building described in division (A) (1), (B) (1), (D), or (E) of 1178  
this section. 1179

(2) Except as provided in divisions (K) (1) and (L) of 1180  
section 3301.0711 of the Revised Code, the student takes each 1181  
assessment prescribed for the student's grade level under 1182  
section 3301.0710 or 3301.0712 of the Revised Code while 1183  
enrolled in a chartered nonpublic school. 1184

(3) In each school year that the student is enrolled in a 1185  
chartered nonpublic school, the student is absent from school 1186  
for not more than twenty days that the school is open for 1187  
instruction, not including excused absences. 1188

(G) (1) The department shall cease awarding first-time 1189  
scholarships pursuant to divisions (A) (1) to (4) of this section 1190  
with respect to a school building that, in the most recent 1191  
ratings of school buildings published under section 3302.03 of 1192  
the Revised Code prior to the first day of July of the school 1193  
year, ceases to meet the criteria in division (A) (1) of this 1194  
section. The department shall cease awarding first-time 1195  
scholarships pursuant to division (A) (5) of this section with 1196  
respect to a school district that, in the most recent ratings of 1197  
school districts published under section 3302.03 of the Revised 1198  
Code prior to the first day of July of the school year, ceases 1199  
to meet the criteria in division (A) (5) of this section. 1200

(2) The department shall cease awarding first-time 1201  
scholarships pursuant to divisions (B) (1) to (4) of this section 1202  
with respect to a school building that, in the most recent 1203  
ratings of school buildings under section 3302.03 of the Revised 1204  
Code prior to the first day of July of the school year, ceases 1205  
to meet the criteria in division (B) (1) of this section. 1206

(3) The department shall cease awarding first-time 1207  
scholarships pursuant to division (D) of this section with 1208  
respect to a school building that, in the most recent ratings of 1209

school buildings under section 3302.03 of the Revised Code prior 1210  
to the first day of July of the school year, ceases to meet the 1211  
criteria in division (D) of this section. 1212

~~(4) The department shall cease awarding first-time 1213  
scholarships pursuant to division (E) of this section with 1214  
respect to a school district subject to section 3302.10 of the 1215  
Revised Code when the academic distress commission established 1216  
for the district ceases to exist. 1217~~

~~(5) However, students who have received scholarships in 1218  
the prior school year remain eligible students pursuant to 1219  
division (F) of this section. 1220~~

(H) The state board of education shall adopt rules 1221  
defining excused absences for purposes of division (F) (3) of 1222  
this section. 1223

(I) (1) A student who satisfies only the conditions 1224  
prescribed in divisions (A) (1) to (4) of this section shall not 1225  
be eligible for a scholarship if the student's resident building 1226  
meets any of the following in the most recent rating under 1227  
section 3302.03 of the Revised Code published prior to the first 1228  
day of July of the school year for which a scholarship is 1229  
sought: 1230

(a) The building has an overall designation of excellent 1231  
or effective under section 3302.03 of the Revised Code as it 1232  
existed prior to March 22, 2013. 1233

(b) For the 2012-2013, 2013-2014, 2014-2015, or 2015-2016 1234  
school year, the building has a grade of "A" or "B" for the 1235  
performance index score under division (A) (1) (b) or (B) (1) (b) of 1236  
section 3302.03 of the Revised Code and for the value-added 1237  
progress dimension under division (A) (1) (e) or (B) (1) (e) of 1238

section 3302.03 of the Revised Code; or if the building serves 1239  
only grades ten through twelve, the building received a grade of 1240  
"A" or "B" for the performance index score under division (A) (1) 1241  
(b) or (B) (1) (b) of section 3302.03 of the Revised Code and had 1242  
a four-year adjusted cohort graduation rate of greater than or 1243  
equal to seventy-five per cent. 1244

(c) For the 2016-2017 school year or any school year 1245  
thereafter, the building has a grade of "A" or "B" under 1246  
division (C) (3) of section 3302.03 of the Revised Code and a 1247  
grade of "A" for the value-added progress dimension under 1248  
division (C) (1) (e) of section 3302.03 of the Revised Code; or if 1249  
the building serves only grades ten through twelve, the building 1250  
received a grade of "A" or "B" for the performance index score 1251  
under division (C) (1) (b) of section 3302.03 of the Revised Code 1252  
and had a four-year adjusted cohort graduation rate of greater 1253  
than or equal to seventy-five per cent. 1254

(2) A student who satisfies only the conditions prescribed 1255  
in division (A) (5) of this section shall not be eligible for a 1256  
scholarship if the student's resident district meets any of the 1257  
following in the most recent rating under section 3302.03 of the 1258  
Revised Code published prior to the first day of July of the 1259  
school year for which a scholarship is sought: 1260

(a) The district has an overall designation of excellent 1261  
or effective under section 3302.03 of the Revised Code as it 1262  
existed prior to March 22, 2013. 1263

(b) The district has a grade of "A" or "B" for the 1264  
performance index score under division (A) (1) (b) or (B) (1) (b) of 1265  
section 3302.03 of the Revised Code and for the value-added 1266  
progress dimension under division (A) (1) (e) or (B) (1) (e) of 1267  
section 3302.03 of the Revised Code for the 2012-2013, 2013- 1268

2014, 2014-2015, and 2015-2016 school years. 1269

(c) The district has an overall grade of "A" or "B" under 1270  
division (C) (3) of section 3302.03 of the Revised Code and a 1271  
grade of "A" for the value-added progress dimension under 1272  
division (C) (1) (e) of section 3302.03 of the Revised Code for 1273  
the 2016-2017 school year or any school year thereafter. 1274

**Sec. 3311.29.** (A) Except as provided under division (B), 1275  
(C), or (D) of this section, no school district shall be created 1276  
and no school district shall exist which does not maintain 1277  
within such district public schools consisting of grades 1278  
kindergarten through twelve and any such existing school 1279  
district not maintaining such schools shall be dissolved and its 1280  
territory joined with another school district or districts by 1281  
order of the state board of education if no agreement is made 1282  
among the surrounding districts voluntarily, which order shall 1283  
provide an equitable division of the funds, property, and 1284  
indebtedness of the dissolved school district among the 1285  
districts receiving its territory. The state board of education 1286  
may authorize exceptions to school districts where topography, 1287  
sparsity of population, and other factors make compliance 1288  
impracticable. 1289

The superintendent of public instruction is without 1290  
authority to distribute funds under Chapter 3317. of the Revised 1291  
Code to any school district that does not maintain schools with 1292  
grades kindergarten through twelve and to which no exception has 1293  
been granted by the state board of education. 1294

(B) Division (A) of this section does not apply to any 1295  
joint vocational school district or any cooperative education 1296  
school district established pursuant to divisions (A) to (C) of 1297  
section 3311.52 of the Revised Code. 1298

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

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

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

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

upon that dissolution any city, exempted village, or local 1329  
district failing to maintain grades kindergarten through twelve 1330  
shall be subject to the provisions for dissolution in division 1331  
(A) of this section. 1332

(D) Division (A) of this section does not apply to any 1333  
school district that is or has ever been subject to former 1334  
section 3302.10 of the Revised Code, as it ~~exists on and after~~ 1335  
~~the effective date of this amendment~~ existed between October 15, 1336  
2015, and the effective date of this amendment, and has had a 1337  
majority of its schools reconstituted or closed under that 1338  
section. 1339

**Sec. 3314.102.** (A) As used in this section:— 1340

~~(1) "Chief executive officer" means a chief executive~~ 1341  
~~officer appointed by an academic distress commission pursuant to~~ 1342  
~~section 3302.10 of the Revised Code.~~ 1343

~~(2) "Municipal," "municipal school district" and "mayor"~~ 1344  
have the same meanings as in section 3311.71 of the Revised 1345  
Code. 1346

(B) Notwithstanding section 3314.10 and sections 4117.03 1347  
to 4117.18 of the Revised Code and Section 4 of Amended 1348  
Substitute Senate Bill No. 133 of the 115th general assembly, 1349  
the employees of a conversion community school that is sponsored 1350  
by the board of education of a municipal school district ~~or a~~ 1351  
~~school district for which an academic distress commission has~~ 1352  
~~been established under section 3302.10 of the Revised Code~~ shall 1353  
cease to be subject to any future collective bargaining 1354  
agreement, if the mayor ~~or chief executive officer~~ submits to 1355  
the board of education sponsoring the school and to the state 1356  
employment relations board a statement requesting that all 1357

employees of the community school be removed from a collective 1358  
bargaining unit. The employees of the community school who are 1359  
covered by a collective bargaining agreement in effect on the 1360  
date the mayor ~~or chief executive officer~~ submits the statement 1361  
shall remain subject to that collective bargaining agreement 1362  
until the collective bargaining agreement expires on its terms. 1363  
Upon expiration of that collective bargaining agreement, the 1364  
employees of that school are not subject to Chapter 4117. of the 1365  
Revised Code and may not organize or collectively bargain 1366  
pursuant to that chapter. 1367

**Section 2.** That existing sections 133.06, 3302.036, 1368  
3302.042, 3302.12, 3302.16, 3302.17, 3302.18, 3310.03, 3311.29, 1369  
and 3314.102 of the Revised Code are hereby repealed. 1370

**Section 3.** That sections 3302.10, 3302.101, 3302.102, and 1371  
3302.11 of the Revised Code are hereby repealed. 1372

**Section 4.** That Sections 4, 5, and 6 of Am. Sub. H.B. 70 1373  
of the 131st General Assembly are hereby repealed. 1374

**Section 5.** Section 3302.036 of the Revised Code is 1375  
presented in this act as a composite of the section as amended 1376  
by both Am. Sub. H.B. 64 and Am. Sub. H.B. 70 of the 131st 1377  
General Assembly. The General Assembly, applying the principle 1378  
stated in division (B) of section 1.52 of the Revised Code that 1379  
amendments are to be harmonized if reasonably capable of 1380  
simultaneous operation, finds that the composite is the 1381  
resulting version of the section in effect prior to the 1382  
effective date of the section as presented in this act. 1383