

**As Introduced**

**134th General Assembly**

**Regular Session**

**2021-2022**

**H. B. No. 100**

**Representatives Smith, K., Manning**

**Cosponsors: Representatives Kelly, Upchurch, Crossman, Miranda, Brent,  
Lepore-Hagan, Weinstein, Cutrona, Stein**

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**A BILL**

To amend sections 133.06, 3302.036, 3302.042, 1  
3302.12, 3302.17, 3310.02, 3310.03, 3311.29, and 2  
3314.102 and to repeal sections 3302.10, 3  
3302.101, 3302.102, and 3302.11 of the Revised 4  
Code and to amend Section 5 of S.B. 89 of the 5  
133rd General Assembly and to repeal Sections 4, 6  
5, and 6 of H.B. 70 of the 131st General 7  
Assembly to dissolve existing academic distress 8  
commissions and to repeal the law on the 9  
creation of new commissions. 10

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

**Section 1.** That sections 133.06, 3302.036, 3302.042, 11  
3302.12, 3302.17, 3310.02, 3310.03, 3311.29, and 3314.102 of the 12  
Revised Code be amended to read as follows: 13

**Sec. 133.06.** (A) A school district shall not incur, 14  
without a vote of the electors, net indebtedness that exceeds an 15  
amount equal to one-tenth of one per cent of its tax valuation, 16  
except as provided in divisions (G) and (H) of this section and 17  
in division (D) of section 3313.372 of the Revised Code, or as 18

prescribed in section 3318.052 or 3318.44 of the Revised Code, 19  
or as provided in division (J) of this section. 20

(B) Except as provided in divisions (E), (F), and (I) of 21  
this section, a school district shall not incur net indebtedness 22  
that exceeds an amount equal to nine per cent of its tax 23  
valuation. 24

(C) A school district shall not submit to a vote of the 25  
electors the question of the issuance of securities in an amount 26  
that will make the district's net indebtedness after the 27  
issuance of the securities exceed an amount equal to four per 28  
cent of its tax valuation, unless the superintendent of public 29  
instruction, acting under policies adopted by the state board of 30  
education, and the tax commissioner, acting under written 31  
policies of the commissioner, consent to the submission. A 32  
request for the consents shall be made at least one hundred 33  
twenty days prior to the election at which the question is to be 34  
submitted. 35

The superintendent of public instruction shall certify to 36  
the district the superintendent's and the tax commissioner's 37  
decisions within thirty days after receipt of the request for 38  
consents. 39

If the electors do not approve the issuance of securities 40  
at the election for which the superintendent of public 41  
instruction and tax commissioner consented to the submission of 42  
the question, the school district may submit the same question 43  
to the electors on the date that the next special election may 44  
be held under section 3501.01 of the Revised Code without 45  
submitting a new request for consent. If the school district 46  
seeks to submit the same question at any other subsequent 47  
election, the district shall first submit a new request for 48

consent in accordance with this division.	49
(D) In calculating the net indebtedness of a school district, none of the following shall be considered:	50 51
(1) Securities issued to acquire school buses and other equipment used in transporting pupils or issued pursuant to division (D) of section 133.10 of the Revised Code;	52 53 54
(2) Securities issued under division (F) of this section and, to the extent in excess of the limitation stated in division (B) of this section, under division (E) of this section;	55 56 57 58
(3) Indebtedness resulting from the dissolution of a joint vocational school district under section 3311.217 of the Revised Code, evidenced by outstanding securities of that joint vocational school district;	59 60 61 62
(4) Loans, evidenced by any securities, received under sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code;	63 64
(5) Debt incurred under section 3313.374 of the Revised Code;	65 66
(6) Debt incurred pursuant to division (B)(5) of section 3313.37 of the Revised Code to acquire computers and related hardware;	67 68 69
(7) Debt incurred under section 3318.042 of the Revised Code;	70 71
(8) Debt incurred under section 5705.2112 or 5705.2113 of the Revised Code by the fiscal board of a qualifying partnership of which the school district is a participating school district.	72 73 74
(E) A school district may become a special needs district	75

as to certain securities as provided in division (E) of this section.	76 77
(1) A board of education, by resolution, may declare its school district to be a special needs district by determining both of the following:	78 79 80
(a) The student population is not being adequately serviced by the existing permanent improvements of the district.	81 82
(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.	83 84 85 86
(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:	87 88 89
(a) The history of and a projection of the growth of the tax valuation;	90 91
(b) The projected needs;	92
(c) The estimated cost of permanent improvements proposed to meet such projected needs.	93 94
(3) The superintendent of public instruction shall certify the district as an approved special needs district if the superintendent finds both of the following:	95 96 97
(a) The district does not have available sufficient additional funds from state or federal sources to meet the projected needs.	98 99 100
(b) The projection of the potential average growth of tax valuation during the next five years, according to the	101 102

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

(4) An approved special needs district may incur net 109  
indebtedness by the issuance of securities in accordance with 110  
the provisions of this chapter in an amount that does not exceed 111  
an amount equal to the greater of the following: 112

(a) Twelve per cent of the sum of its tax valuation plus 113  
an amount that is the product of multiplying that tax valuation 114  
by the percentage by which the tax valuation has increased over 115  
the tax valuation on the first day of the sixtieth month 116  
preceding the month in which its board determines to submit to 117  
the electors the question of issuing the proposed securities; 118

(b) Twelve per cent of the sum of its tax valuation plus 119  
an amount that is the product of multiplying that tax valuation 120  
by the percentage, determined by the superintendent of public 121  
instruction, by which that tax valuation is projected to 122  
increase during the next ten years. 123

(F) A school district may issue securities for emergency 124  
purposes, in a principal amount that does not exceed an amount 125  
equal to three per cent of its tax valuation, as provided in 126  
this division. 127

(1) A board of education, by resolution, may declare an 128  
emergency if it determines both of the following: 129

(a) School buildings or other necessary school facilities 130  
in the district have been wholly or partially destroyed, or 131

condemned by a constituted public authority, or that such 132  
buildings or facilities are partially constructed, or so 133  
constructed or planned as to require additions and improvements 134  
to them before the buildings or facilities are usable for their 135  
intended purpose, or that corrections to permanent improvements 136  
are necessary to remove or prevent health or safety hazards. 137

(b) Existing fiscal and net indebtedness limitations make 138  
adequate replacement, additions, or improvements impossible. 139

(2) Upon the declaration of an emergency, the board of 140  
education may, by resolution, submit to the electors of the 141  
district pursuant to section 133.18 of the Revised Code the 142  
question of issuing securities for the purpose of paying the 143  
cost, in excess of any insurance or condemnation proceeds 144  
received by the district, of permanent improvements to respond 145  
to the emergency need. 146

(3) The procedures for the election shall be as provided 147  
in section 133.18 of the Revised Code, except that: 148

(a) The form of the ballot shall describe the emergency 149  
existing, refer to this division as the authority under which 150  
the emergency is declared, and state that the amount of the 151  
proposed securities exceeds the limitations prescribed by 152  
division (B) of this section; 153

(b) The resolution required by division (B) of section 154  
133.18 of the Revised Code shall be certified to the county 155  
auditor and the board of elections at least one hundred days 156  
prior to the election; 157

(c) The county auditor shall advise and, not later than 158  
ninety-five days before the election, confirm that advice by 159  
certification to, the board of education of the information 160

required by division (C) of section 133.18 of the Revised Code; 161

(d) The board of education shall then certify its 162  
resolution and the information required by division (D) of 163  
section 133.18 of the Revised Code to the board of elections not 164  
less than ninety days prior to the election. 165

(4) Notwithstanding division (B) of section 133.21 of the 166  
Revised Code, the first principal payment of securities issued 167  
under this division may be set at any date not later than sixty 168  
months after the earliest possible principal payment otherwise 169  
provided for in that division. 170

(G) (1) The board of education may contract with an 171  
architect, professional engineer, or other person experienced in 172  
the design and implementation of energy conservation measures 173  
for an analysis and recommendations pertaining to installations, 174  
modifications of installations, or remodeling that would 175  
significantly reduce energy consumption in buildings owned by 176  
the district. The report shall include estimates of all costs of 177  
such installations, modifications, or remodeling, including 178  
costs of design, engineering, installation, maintenance, 179  
repairs, measurement and verification of energy savings, and 180  
debt service, forgone residual value of materials or equipment 181  
replaced by the energy conservation measure, as defined by the 182  
Ohio facilities construction commission, a baseline analysis of 183  
actual energy consumption data for the preceding three years 184  
with the utility baseline based on only the actual energy 185  
consumption data for the preceding twelve months, and estimates 186  
of the amounts by which energy consumption and resultant 187  
operational and maintenance costs, as defined by the commission, 188  
would be reduced. 189

If the board finds after receiving the report that the 190

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

The facilities construction commission, in consultation 199  
with the auditor of state, may deny a request under division (G) 200  
(1) of this section by the board of education of any school 201  
district that is in a state of fiscal watch pursuant to division 202  
(A) of section 3316.03 of the Revised Code, if it determines 203  
that the expenditure of funds is not in the best interest of the 204  
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 for which an 213  
academic distress commission has been established under section 214  
3302.10 of the Revised Code shall submit a request without first 215  
receiving approval to incur indebtedness from the district's 216  
academic distress commission established under that section, for 217  
so long as such commission continues to be required for the 218  
district. 219~~

(2) The board of education may contract with a person 220



experienced in the implementation of student transportation to 221  
produce a report that includes an analysis of and 222  
recommendations for the use of alternative fuel vehicles by 223  
school districts. The report shall include cost estimates 224  
detailing the return on investment over the life of the 225  
alternative fuel vehicles and environmental impact of 226  
alternative fuel vehicles. The report also shall include 227  
estimates of all costs associated with alternative fuel 228  
transportation, including facility modifications and vehicle 229  
purchase costs or conversion costs. 230

If the board finds after receiving the report that the 231  
amount of money the district would spend on purchasing 232  
alternative fuel vehicles or vehicle conversion is not likely to 233  
exceed the amount of money it would save in fuel and resultant 234  
operational and maintenance costs over the ensuing five years, 235  
the board may submit to the commission a copy of its findings 236  
and a request for approval to incur indebtedness to finance the 237  
purchase of new alternative fuel vehicles or vehicle conversions 238  
for the purpose of reducing fuel costs. 239

The facilities construction commission, in consultation 240  
with the auditor of state, may deny a request under division (G) 241  
(2) of this section by the board of education of any school 242  
district that is in a state of fiscal watch pursuant to division 243  
(A) of section 3316.03 of the Revised Code, if it determines 244  
that the expenditure of funds is not in the best interest of the 245  
school district. 246

No district board of education of a school district that 247  
is in a state of fiscal emergency pursuant to division (B) of 248  
section 3316.03 of the Revised Code shall submit a request 249  
without submitting evidence that the purchase or conversion of 250

alternative fuel vehicles has been approved by the district's 251  
financial planning and supervision commission established under 252  
section 3316.05 of the Revised Code. 253

~~No board of education of a school district for which an 254  
academic distress commission has been established under section 255  
3302.10 of the Revised Code shall submit a request without first 256  
receiving approval to incur indebtedness from the district's 257  
academic distress commission established under that section, for 258  
so long as such commission continues to be required for the 259  
district. 260~~

(3) The facilities construction commission shall approve 261  
the board's request provided that the following conditions are 262  
satisfied: 263

(a) The commission determines that the board's findings 264  
are reasonable. 265

(b) The request for approval is complete. 266

(c) If the request was submitted under division (G) (1) of 267  
this section, the installations, modifications, or remodeling 268  
are consistent with any project to construct or acquire 269  
classroom facilities, or to reconstruct or make additions to 270  
existing classroom facilities under sections 3318.01 to 3318.20 271  
or sections 3318.40 to 3318.45 of the Revised Code. 272

Upon receipt of the commission's approval, the district 273  
may issue securities without a vote of the electors in a 274  
principal amount not to exceed nine-tenths of one per cent of 275  
its tax valuation for the purpose specified in division (G) (1) 276  
or (2) of this section, but the total net indebtedness of the 277  
district without a vote of the electors incurred under this and 278  
all other sections of the Revised Code, except section 3318.052 279

of the Revised Code, shall not exceed one per cent of the 280  
district's tax valuation. 281

(4) (a) So long as any securities issued under division (G) 282  
(1) of this section remain outstanding, the board of education 283  
shall monitor the energy consumption and resultant operational 284  
and maintenance costs of buildings in which installations or 285  
modifications have been made or remodeling has been done 286  
pursuant to that division. Except as provided in division (G) (4) 287  
(b) of this section, the board shall maintain and annually 288  
update a report in a form and manner prescribed by the 289  
facilities construction commission documenting the reductions in 290  
energy consumption and resultant operational and maintenance 291  
cost savings attributable to such installations, modifications, 292  
or remodeling. The resultant operational and maintenance cost 293  
savings shall be certified by the school district treasurer. The 294  
report shall be submitted annually to the commission. 295

(b) If the facilities construction commission verifies 296  
that the certified annual reports submitted to the commission by 297  
a board of education under division (G) (4) (a) of this section 298  
fulfill the guarantee required under division (B) of section 299  
3313.372 of the Revised Code for three consecutive years, the 300  
board of education shall no longer be subject to the annual 301  
reporting requirements of division (G) (4) (a) of this section. 302

(5) So long as any securities issued under division (G) (2) 303  
of this section remain outstanding, the board of education shall 304  
monitor the purchase of new alternative fuel vehicles or vehicle 305  
conversions pursuant to that division. The board shall maintain 306  
and annually update a report in a form and manner prescribed by 307  
the facilities construction commission documenting the purchase 308  
of new alternative fuel vehicles or vehicle conversions, the 309

associated environmental impact, and return on investment. The 310  
resultant fuel and operational and maintenance cost savings 311  
shall be certified by the school district treasurer. The report 312  
shall be submitted annually to the commission. 313

(H) With the consent of the superintendent of public 314  
instruction, a school district may incur without a vote of the 315  
electors net indebtedness that exceeds the amounts stated in 316  
divisions (A) and (G) of this section for the purpose of paying 317  
costs of permanent improvements, if and to the extent that both 318  
of the following conditions are satisfied: 319

(1) The fiscal officer of the school district estimates 320  
that receipts of the school district from payments made under or 321  
pursuant to agreements entered into pursuant to section 725.02, 322  
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 323  
5709.45, 5709.57, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, 324  
or 5709.82 of the Revised Code, or distributions under division 325  
(C) of section 5709.43 or division (B) of section 5709.47 of the 326  
Revised Code, or any combination thereof, are, after accounting 327  
for any appropriate coverage requirements, sufficient in time 328  
and amount, and are committed by the proceedings, to pay the 329  
debt charges on the securities issued to evidence that 330  
indebtedness and payable from those receipts, and the taxing 331  
authority of the district confirms the fiscal officer's 332  
estimate, which confirmation is approved by the superintendent 333  
of public instruction; 334

(2) The fiscal officer of the school district certifies, 335  
and the taxing authority of the district confirms, that the 336  
district, at the time of the certification and confirmation, 337  
reasonably expects to have sufficient revenue available for the 338  
purpose of operating such permanent improvements for their 339

intended purpose upon acquisition or completion thereof, and the 340  
superintendent of public instruction approves the taxing 341  
authority's confirmation. 342

The maximum maturity of securities issued under division 343  
(H) of this section shall be the lesser of twenty years or the 344  
maximum maturity calculated under section 133.20 of the Revised 345  
Code. 346

(I) A school district may incur net indebtedness by the 347  
issuance of securities in accordance with the provisions of this 348  
chapter in excess of the limit specified in division (B) or (C) 349  
of this section when necessary to raise the school district 350  
portion of the basic project cost and any additional funds 351  
necessary to participate in a project under Chapter 3318. of the 352  
Revised Code, including the cost of items designated by the 353  
facilities construction commission as required locally funded 354  
initiatives, the cost of other locally funded initiatives in an 355  
amount that does not exceed fifty per cent of the district's 356  
portion of the basic project cost, and the cost for site 357  
acquisition. The commission shall notify the superintendent of 358  
public instruction whenever a school district will exceed either 359  
limit pursuant to this division. 360

(J) A school district whose portion of the basic project 361  
cost of its classroom facilities project under sections 3318.01 362  
to 3318.20 of the Revised Code is greater than or equal to one 363  
hundred million dollars may incur without a vote of the electors 364  
net indebtedness in an amount up to two per cent of its tax 365  
valuation through the issuance of general obligation securities 366  
in order to generate all or part of the amount of its portion of 367  
the basic project cost if the controlling board has approved the 368  
facilities construction commission's conditional approval of the 369

project under section 3318.04 of the Revised Code. The school 370  
district board and the Ohio facilities construction commission 371  
shall include the dedication of the proceeds of such securities 372  
in the agreement entered into under section 3318.08 of the 373  
Revised Code. No state moneys shall be released for a project to 374  
which this section applies until the proceeds of any bonds 375  
issued under this section that are dedicated for the payment of 376  
the school district portion of the project are first deposited 377  
into the school district's project construction fund. 378

**Sec. 3302.036.** (A) Notwithstanding anything in the Revised 379  
Code to the contrary, the department of education shall not 380  
assign an overall letter grade under division (C)(3) of section 381  
3302.03 of the Revised Code for any school district or building 382  
for the 2014-2015, 2015-2016, ~~or~~ and 2016-2017 school years, 383  
may, at the discretion of the state board of education, not 384  
assign an individual grade to any component prescribed under 385  
division (C)(3) of section 3302.03 of the Revised Code, and 386  
shall not rank school districts, community schools established 387  
under Chapter 3314. of the Revised Code, or STEM schools 388  
established under Chapter 3326. of the Revised Code under 389  
section 3302.21 of the Revised Code for those school years. The 390  
report card ratings issued for the 2014-2015, 2015-2016, ~~or~~ and 391  
2016-2017 school years shall not be considered in determining 392  
whether a school district or a school is subject to sanctions or 393  
penalties. However, the report card ratings of any previous or 394  
subsequent years shall be considered in determining whether a 395  
school district or building is subject to sanctions or 396  
penalties. Accordingly, the report card ratings for the 2014- 397  
2015, 2015-2016, ~~or~~ and 2016-2017 school years shall have no 398  
effect in determining sanctions or penalties, but shall not 399  
create a new starting point for determinations that are based on 400

ratings over multiple years. 401

(B) The provisions from which a district or school is 402  
exempt under division (A) of this section shall be the 403  
following: 404

(1) Any restructuring provisions established under this 405  
chapter, except as required under the "No Child Left Behind Act 406  
of 2001"; 407

(2) Provisions for the Columbus city school pilot project 408  
under section 3302.042 of the Revised Code; 409

~~(3) Provisions for academic distress commissions under 410  
former section 3302.10 of the Revised Code as it existed prior 411  
to the effective date of this amendment. The provisions of this 412  
section do not apply to academic distress commissions under the 413  
version of that section as it exists on or after the effective 414  
date of this amendment. 415~~

~~(4) Provisions prescribing new buildings where students 416  
are eligible for the educational choice scholarships under 417  
section 3310.03 of the Revised Code; 418~~

~~(5) (4) Provisions defining "challenged school districts" 419  
in which new start-up community schools may be located, as 420  
prescribed in section 3314.02 of the Revised Code; 421~~

~~(6) (5) Provisions prescribing community school closure 422  
requirements under section 3314.35 or 3314.351 of the Revised 423  
Code. 424~~

(C) Notwithstanding anything in the Revised Code to the 425  
contrary and except as provided in Section 3 of H.B. 7 of the 426  
131st general assembly, no school district, community school, or 427  
STEM school shall utilize at any time during a student's 428

academic career a student's score on any assessment administered 429  
under division (A) of section 3301.0710 or division (B) (2) of 430  
section 3301.0712 of the Revised Code in the 2014-2015, 2015- 431  
2016, ~~or~~ and 2016-2017 school ~~year~~ years as a factor in any 432  
decision to promote or to deny the student promotion to a higher 433  
grade level or in any decision to grant course credit. No 434  
individual student score reports on such assessments 435  
administered in the 2014-2015, 2015-2016, or 2016-2017 school 436  
years shall be released, except to a student's school district 437  
or school or to the student or the student's parent or guardian. 438

**Sec. 3302.042.** (A) This section shall operate as a pilot 439  
project that applies to any school that has been ranked 440  
according to performance index score under section 3302.21 of 441  
the Revised Code in the lowest five per cent of all public 442  
school buildings statewide for three or more consecutive school 443  
years and is operated by the Columbus city school district. The 444  
pilot project shall commence once the department of education 445  
establishes implementation guidelines for the pilot project in 446  
consultation with the Columbus city school district. 447

(B) Except as provided in division (D), (E), or (F) of 448  
this section, if the parents or guardians of at least fifty per 449  
cent of the students enrolled in a school to which this section 450  
applies, or if the parents or guardians of at least fifty per 451  
cent of the total number of students enrolled in that school and 452  
the schools of lower grade levels whose students typically 453  
matriculate into that school, by the thirty-first day of 454  
December of any school year in which the school is subject to 455  
this section, sign and file with the school district treasurer a 456  
petition requesting the district board of education to implement 457  
one of the following reforms in the school, and if the validity 458  
and sufficiency of the petition is certified in accordance with 459



division (C) of this section, the board shall implement the 460  
requested reform in the next school year: 461

(1) Reopen the school as a community school under Chapter 462  
3314. of the Revised Code; 463

(2) Replace at least seventy per cent of the school's 464  
personnel who are related to the school's poor academic 465  
performance or, at the request of the petitioners, retain not 466  
more than thirty per cent of the personnel; 467

(3) Contract with another school district or a nonprofit 468  
or for-profit entity with a demonstrated record of effectiveness 469  
to operate the school; 470

(4) Turn operation of the school over to the department; 471

(5) Any other major restructuring of the school that makes 472  
fundamental reforms in the school's staffing or governance. 473

(C) Not later than thirty days after receipt of a petition 474  
under division (B) of this section, the district treasurer shall 475  
verify the validity and sufficiency of the signatures on the 476  
petition and certify to the district board whether the petition 477  
contains the necessary number of valid signatures to require the 478  
board to implement the reform requested by the petitioners. If 479  
the treasurer certifies to the district board that the petition 480  
does not contain the necessary number of valid signatures, any 481  
person who signed the petition may file an appeal with the 482  
county auditor within ten days after the certification. Not 483  
later than thirty days after the filing of an appeal, the county 484  
auditor shall conduct an independent verification of the 485  
validity and sufficiency of the signatures on the petition and 486  
certify to the district board whether the petition contains the 487  
necessary number of valid signatures to require the board to 488

implement the requested reform. If the treasurer or county auditor certifies that the petition contains the necessary number of valid signatures, the district board shall notify the superintendent of public instruction and the state board of education of the certification.

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

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

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

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

(4) When all of the following have occurred:

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

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

performance.	518
(c) Both the state superintendent and the state board have approved implementation of the alternative reform.	519 520
(E) If the provisions of this section conflict in any way with the requirements of federal law, federal law shall prevail over the provisions of this section.	521 522 523
(F) If a school is restructured under this section, <u>or</u> section <del>3302.10</del> or 3302.12 of the Revised Code, or federal law, the school shall not be required to restructure again under state law for three consecutive years after the implementation of that prior restructuring.	524 525 526 527 528
(G) Beginning not later than six months after the first petition under this section has been resolved, the department of education shall annually evaluate the pilot program and submit a report to the general assembly under section 101.68 of the Revised Code. Such reports shall contain its recommendations to the general assembly with respect to the continuation of the pilot program, its expansion to other school districts, or the enactment of further legislation establishing the program statewide under permanent law.	529 530 531 532 533 534 535 536 537
<b>Sec. 3302.12.</b> (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:	538 539 540 541 542 543 544
(a) The school building is declared to be under an academic watch or in a state of academic emergency under section	545 546

3302.03 of the Revised Code;	547
(b) The school building that has received a grade of "F"	548
for the value-added progress dimension under division (A) (1) (e),	549
(B) (1) (e), or (C) (1) (e) of section 3302.03 of the Revised Code;	550
(c) The school building that has received an overall grade	551
of "F" under section 3302.03 of the Revised Code.	552
(2) In the case of a building to which this section	553
applies, the district board of education in control of that	554
building shall do one of the following at the conclusion of the	555
school year in which the building first becomes subject to this	556
section:	557
(a) Close the school and direct the district	558
superintendent to reassign the students enrolled in the school	559
to other school buildings that demonstrate higher academic	560
achievement;	561
(b) Contract with another school district or a nonprofit	562
or for-profit entity with a demonstrated record of effectiveness	563
to operate the school;	564
(c) Replace the principal and all teaching staff of the	565
school and, upon request from the new principal, exempt the	566
school from all requested policies and regulations of the board	567
regarding curriculum and instruction. The board also shall	568
distribute funding to the school in an amount that is at least	569
equal to the product of the per pupil amount of state and local	570
revenues received by the district multiplied by the student	571
population of the school.	572
(d) Reopen the school as a conversion community school	573
under Chapter 3314. of the Revised Code.	574

(B) If an action taken by the board under division (A) (2) 575  
of this section causes the district to no longer maintain all 576  
grades kindergarten through twelve, as required by section 577  
3311.29 of the Revised Code, the board shall enter into a 578  
contract with another school district pursuant to section 579  
3327.04 of the Revised Code for enrollment of students in the 580  
schools of that other district to the extent necessary to comply 581  
with the requirement of section 3311.29 of the Revised Code. 582  
Notwithstanding any provision of the Revised Code to the 583  
contrary, if the board enters into and maintains a contract 584  
under section 3327.04 of the Revised Code, the district shall 585  
not be considered to have failed to comply with the requirement 586  
of section 3311.29 of the Revised Code. If, however, the 587  
district board fails to or is unable to enter into or maintain 588  
such a contract, the state board of education shall take all 589  
necessary actions to dissolve the district as provided in 590  
division (A) of section 3311.29 of the Revised Code. 591

(C) If a particular school is required to restructure 592  
under this section and a petition with respect to that same 593  
school has been filed and verified under divisions (B) and (C) 594  
of section 3302.042 of the Revised Code, the provisions of that 595  
section and the petition filed and verified under it shall 596  
prevail over the provisions of this section and the school shall 597  
be restructured under that section. However, if division (D) (1), 598  
(2), or (3) of section 3302.042 of the Revised Code also applies 599  
to the school, the school shall be subject to restructuring 600  
under this section and not section 3302.042 of the Revised Code. 601

If the provisions of this section conflict in any way with 602  
the requirements of federal law, federal law shall prevail over 603  
the provisions of this section. 604

(D) If a school is restructured under this section, or 605  
section 3302.042 ~~or 3302.10~~ of the Revised Code, or federal law, 606  
the school shall not be required to restructure again under 607  
state law for three consecutive years after the implementation 608  
of that prior restructuring. 609

**Sec. 3302.17.** (A) Any school building operated by a city, 610  
exempted village, or local school district, or a community 611  
school established under Chapter 3314. of the Revised Code is 612  
eligible to initiate the community learning center process as 613  
prescribed by this section. 614

(B) Beginning with the 2015-2016 school year, each 615  
district board of education or community school governing 616  
authority may initiate a community learning center process for 617  
any school building to which this section applies. 618

First, the board or governing authority shall conduct a 619  
public information hearing at each school building to which this 620  
section applies to inform the community of the community 621  
learning center process. The board or governing authority may do 622  
all of the following with regard to the public information 623  
hearing: 624

(1) Announce the meeting not less than forty-five days in 625  
advance at the school and on the school's or district's web 626  
sites and using tools to ensure effective communication with 627  
individuals with disabilities; 628

(2) Schedule the meeting for an evening or weekend time; 629

(3) Provide interpretation services and written materials 630  
in all languages spoken by five per cent or more of the students 631  
enrolled in the school; 632

(4) Provide child care services for parents attending the 633

meeting; 634

(5) Provide parents, students, teachers, nonteaching 635  
employees, and community members with the opportunity to speak 636  
at the meeting; 637

(6) Comply with section 149.43 of the Revised Code. 638

In preparing for the public information hearing, the board 639  
or governing authority shall ensure that information about the 640  
hearing is broadly distributed throughout the community. 641

The board or governing authority may enter into an 642  
agreement with any civic engagement organizations, community 643  
organizations, or employee organizations to support the 644  
implementation of the community learning center process. 645

The board or governing authority shall conduct a follow-up 646  
hearing at least once annually until action is further taken 647  
under the section with respect to the school building or until 648  
the conditions described in division (A) of this section no 649  
longer apply to the school building. 650

(C) Not sooner than forty-five days after the first public 651  
information hearing, the board or governing authority shall 652  
conduct an election, by paper ballot, to initiate the process to 653  
become a community learning center. Only parents or guardians of 654  
students enrolled in the school and students enrolled in a 655  
different school operated by a joint vocational school district 656  
but are otherwise entitled to attend the school, and teachers 657  
and nonteaching employees who are assigned to the school may 658  
vote in the election. 659

The board or governing authority shall distribute the 660  
ballots by mail and shall make copies available at the school 661  
and on the web site of the school. The board or governing 662

authority also may distribute the ballots by directly giving 663  
ballots to teachers and nonteaching employees and sending home 664  
ballots with every student enrolled in the school building. 665

(D) The board or governing authority shall initiate the 666  
transition of the building to a community learning center if the 667  
results of the election held under division (C) of this section 668  
are as follows: 669

(1) At least fifty per cent of parents and guardians of 670  
students enrolled in the eligible school building and students 671  
enrolled in a different building operated by a joint vocational 672  
school district but who are entitled to attend the school cast 673  
ballots by a date set by the board or governing authority, and 674  
of those ballots at least sixty-seven per cent are in favor of 675  
initiating the process; and 676

(2) At least fifty per cent of teachers and nonteaching 677  
employees who are assigned to the school cast ballots by a date 678  
set by the board or governing authority, and of those ballots at 679  
least sixty-seven per cent are in favor of initiating the 680  
process. 681

(E) If a community learning center process is initiated 682  
under this section, the board or governing authority shall 683  
create a school action team under section 3302.18 of the Revised 684  
Code. Within four months upon selection, the school action team 685  
shall conduct and complete, in consultation with community 686  
partners, a performance audit of the school and review, with 687  
parental input, the needs of the school with regard to 688  
restructuring under section ~~3302.10, 3302.12, or 3302.042~~ or 689  
3302.12 of the Revised Code, or federal law. 690

The school action team shall provide quarterly updates of 691



its work in a public hearing that complies with the same 692  
specifications prescribed in division (B) of this section. 693

(F) Upon completion of the audit and review, the school 694  
action team shall present its findings at a public hearing that 695  
complies with the same specifications prescribed in division (B) 696  
of this section. After the school action team presents its 697  
findings at the public hearing, it shall create a community 698  
learning center improvement plan that designates appropriate 699  
interventions, which may be based on the recommendations 700  
developed by the department under division (H) (1) (b) of this 701  
section. 702

If there is a federally mandated school improvement 703  
planning process, the team shall coordinate its work with that 704  
plan. 705

The school action team shall approve the plan by a 706  
majority vote. 707

(G) Upon approval of the plan by the school action team, 708  
the team shall submit the community learning center improvement 709  
plan to the same individuals described in division (C) of this 710  
section. Ballots shall be distributed and an election shall be 711  
conducted in the same manner as indicated under that division. 712

The school action team shall submit the plan to the 713  
district board of education or community school governing 714  
authority, if the results of the election under division (G) of 715  
this section are as follows: 716

(1) At least thirty per cent of parents and guardians of 717  
students enrolled in the eligible school building and students 718  
enrolled in a different building operated by a joint vocational 719  
school district but who are entitled to attend the school cast 720

ballots by a date set by the board or governing authority, and 721  
of those ballots at least fifty per cent are in favor of 722  
initiating the process; and 723

(2) At least thirty per cent of teachers and nonteaching 724  
employees who are assigned to the school cast ballots by a date 725  
set by the board or governing authority, and of those ballots at 726  
least fifty per cent are in favor of initiating the process. 727

The board or governing authority shall evaluate the plan 728  
and determine whether to adopt it. The board or governing 729  
authority shall adopt the plan in full or adopt portions of the 730  
plan. If the board or governing authority does not adopt the 731  
plan in full, it shall provide a written explanation of why 732  
portions of the plan were rejected. 733

(H) (1) The department shall do all of the following with 734  
respect to this section: 735

(a) Adopt rules regarding the elections required under 736  
this section; 737

(b) Develop appropriate interventions for a community 738  
learning center improvement plan that may be used by a school 739  
action team under division (F) of this section; 740

(c) Publish a menu of programs and services that may be 741  
offered by community learning centers. The information shall be 742  
posted on the department's web site. To compile this information 743  
the department shall solicit input from resource coordinators of 744  
existing community learning centers. 745

(d) Provide information regarding implementation of 746  
comprehensive community-based programs and supportive services 747  
including the community learning center model to school 748  
buildings meeting any of the following conditions: 749

(i) The building is in improvement status as defined by	750
the "No Child Left Behind Act of 2001" or under an agreement	751
between the Ohio department of education and the United States	752
secretary of education.	753
(ii) The building is a secondary school that is among the	754
lowest achieving fifteen per cent of secondary schools	755
statewide, as determined by the department.	756
(iii) The building is a secondary school with a graduation	757
rate of sixty per cent or lower for three or more consecutive	758
years.	759
(iv) The building is a school that the department	760
determines is persistently low-performing.	761
(2) The department may do the following with respect to	762
this section:	763
(a) Provide assistance, facilitation, and training to	764
school action teams in the conducting of the audit required	765
under this section;	766
(b) Provide opportunities for members of school action	767
teams from different schools to share school improvement	768
strategies with parents, teachers, and other relevant	769
stakeholders in higher performing schools;	770
(c) Provide financial support in a school action team's	771
planning process and create a grant program to assist in the	772
implementation of a qualified community learning center plan.	773
(I) Notwithstanding any provision to the contrary in	774
Chapter 4117. of the Revised Code, the requirements of this	775
section prevail over any conflicting provisions of a collective	776
bargaining agreement entered into on or after <del>the effective date</del>	777

~~of this section~~ October 15, 2015. However, the board or 778  
governing authority and the teachers' labor organization may 779  
negotiate additional factors to be considered in the adoption of 780  
a community learning center plan. 781

**Sec. 3310.02.** (A) The educational choice scholarship pilot 782  
program is hereby established. Under the program, the department 783  
of education annually shall pay scholarships to attend chartered 784  
nonpublic schools in accordance with section 3310.08 of the 785  
Revised Code for up to the following number of eligible 786  
students: 787

(1) Thirty thousand in the 2011-2012 school year; 788

(2) Sixty thousand in the 2012-2013 school year and 789  
thereafter. 790

For any school year for which the number of applications 791  
for scholarships timely submitted for the program exceeds ninety 792  
per cent of the maximum number of scholarships permitted under 793  
division (A) of this section, the department shall increase the 794  
maximum number of scholarships permitted for the following 795  
school year by five per cent. The department shall make the 796  
increased number of scholarships available for each subsequent 797  
school year until the department is again required to increase 798  
the number of scholarships under division (A) of this section. 799

If the number of students who apply for a scholarship 800  
exceeds the maximum number of scholarships permitted under 801  
division (A) of this section, priority shall be given to those 802  
students applying for a scholarship under section 3310.03 of the 803  
Revised Code in accordance with division (B) of this section. 804

(B) The department shall award scholarships under section 805  
3310.03 of the Revised Code in the following order of priority: 806

(1) First, to eligible students who received scholarships 807  
in the prior school year; 808

~~(2) Second, to eligible students with family incomes at or 809  
below two hundred per cent of the federal poverty guidelines, as 810  
defined in section 5101.46 of the Revised Code, who qualify 811  
under division (C) of section 3310.03 of the Revised Code. If 812  
the number of students described in division (B) (2) of this 813  
section who apply for a scholarship exceeds the number of 814  
available scholarships after awards are made under division (B) 815  
(1) of this section, the department shall select students 816  
described in division (B) (2) of this section by lot to receive 817  
any remaining scholarships. 818~~

~~(3) Third, to other eligible students who qualify under 819  
division (C) of section 3310.03 of the Revised Code. If the 820  
number of students described in division (B) (3) of this section 821  
who apply for a scholarship exceeds the number of available 822  
scholarships after awards are made under divisions (B) (1) and 823  
(2) of this section, the department shall select students 824  
described in division (B) (3) of this section by lot to receive 825  
any remaining scholarships. 826~~

~~(4) Fourth, to eligible students with family incomes at or 827  
below two hundred per cent of the federal poverty guidelines who 828  
qualify under division (A) of section 3310.03 of the Revised 829  
Code. If the number of students described in division ~~(B) (4)~~ (B) 830  
(2) of this section who apply for a scholarship exceeds the 831  
number of available scholarships after awards are made under 832  
~~divisions~~ division (B) (1) ~~to (3)~~ of this section, the department 833  
shall select students described in division ~~(B) (4)~~ (B) (2) of 834  
this section by lot to receive any remaining scholarships. 835~~

~~(5) Fifth~~ (3) Third, to other eligible students who qualify 836

under division (A) of section 3310.03 of the Revised Code. If 837  
the number of students described in division ~~(B) (5)~~ (B) (3) of 838  
this section who apply for a scholarship exceeds the number of 839  
available scholarships after awards are made under divisions (B) 840  
(1) ~~to (4)~~ and (2) of this section, the department shall select 841  
students described in division ~~(B) (5)~~ (B) (3) of this section by 842  
lot to receive any remaining scholarships. 843

**Sec. 3310.03.** For the 2021-2022 school year and each 844  
school year thereafter, a student is an "eligible student" for 845  
purposes of the educational choice scholarship pilot program if 846  
the student's resident district is not a school district in 847  
which the pilot project scholarship program is operating under 848  
sections 3313.974 to 3313.979 of the Revised Code, the student 849  
satisfies one of the conditions in division (A) or (B) ~~or (C)~~ 850  
of this section, and the student maintains eligibility to 851  
receive a scholarship under division (D) of this section. 852

However, any student who received a scholarship for the 853  
2020-2021 school year under this section, as it existed prior to 854  
~~the effective date of this amendment~~ March 2, 2021, shall 855  
continue to receive that scholarship until the student completes 856  
grade twelve, as long as the student maintains eligibility to 857  
receive a scholarship under division (D) of this section. 858

(A) (1) A student is eligible for a scholarship if the 859  
student is enrolled in a school building operated by the 860  
student's resident district and to which both of the following 861  
apply: 862

(a) The building was ranked in the lowest twenty per cent 863  
of all buildings operated by city, local, and exempted village 864  
school districts according to performance index score as 865  
determined by the department of education, as follows: 866

(i) For a scholarship sought for the 2021-2022 or 2022-2023 school year, the building was ranked in the lowest twenty per cent of buildings for each of the 2017-2018 and 2018-2019 school years.

(ii) For a scholarship sought for the 2023-2024 school year, the building was ranked in the lowest twenty per cent of buildings for each of the 2020-2021 and 2021-2022 school years.

(iii) For a scholarship sought for the 2024-2025 school year or any school year thereafter, the building was ranked in the lowest twenty per cent of buildings for at least two of the three most recent consecutive rankings issued prior to the first day of July of the school year for which a scholarship is sought.

(b) The building is operated by a school district in which, for the three consecutive school years prior to the school year for which a scholarship is sought, an average of twenty per cent or more of the students entitled to attend school in the district, under section 3313.64 or 3313.65 of the Revised Code, were qualified to be included in the formula to distribute funds under Title I of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6301 et seq.

When ranking school buildings under division (A) (1) of this section, the department shall not include buildings operated by a school district in which the pilot project scholarship program is operating in accordance with sections 3313.974 to 3313.979 of the Revised Code.

(2) A student is eligible for a scholarship if the student will be enrolling in any of grades kindergarten through twelve in this state for the first time in the school year for which a

scholarship is sought, will be at least five years of age, as 896  
defined in section 3321.01 of the Revised Code, by the first day 897  
of January of the school year for which a scholarship is sought, 898  
and otherwise would be assigned under section 3319.01 of the 899  
Revised Code in the school year for which a scholarship is 900  
sought, to a school building described in division (A) (1) of 901  
this section. 902

(3) A student is eligible for a scholarship if the student 903  
is enrolled in a community school established under Chapter 904  
3314. of the Revised Code but otherwise would be assigned under 905  
section 3319.01 of the Revised Code to a building described in 906  
division (A) (1) of this section. 907

(4) A student is eligible for a scholarship if the student 908  
is enrolled in a school building operated by the student's 909  
resident district or in a community school established under 910  
Chapter 3314. of the Revised Code and otherwise would be 911  
assigned under section 3319.01 of the Revised Code to a school 912  
building described in division (A) (1) of this section in the 913  
school year for which the scholarship is sought. 914

(B) A student is eligible for a scholarship if the student 915  
is enrolled in a nonpublic school at the time the school is 916  
granted a charter by the state board of education under section 917  
3301.16 of the Revised Code and the student meets the standards 918  
of division (B) of section 3310.031 of the Revised Code. 919

(C) ~~A~~ Prior to the effective date of this amendment, a 920  
student is eligible for a scholarship if the student's resident 921  
district ~~is~~ was subject to former section 3302.10 of the Revised 922  
Code ~~and the student either:~~ 923

~~(1) Is enrolled in a school building operated by the~~ 924



~~resident district or in a community school established under~~ 925  
~~Chapter 3314. of the Revised Code;~~ 926

~~(2) Will be both enrolling in any of grades kindergarten~~ 927  
~~through twelve in this state for the first time and at least~~ 928  
~~five years of age by the first day of January of the school year~~ 929  
~~for which a scholarship is sought as it existed on that date,~~ 930  
~~and the student remains an eligible student pursuant to division~~ 931  
~~(D) of this section. The department shall cease awarding first-~~ 932  
~~time scholarships pursuant to division (C) of this section on~~ 933  
~~the effective date of this amendment.~~ 934

(D) A student who receives a scholarship under the 935  
educational choice scholarship pilot program remains an eligible 936  
student and may continue to receive scholarships in subsequent 937  
school years until the student completes grade twelve, so long 938  
as all of the following apply: 939

(1) The student's resident district remains the same, or 940  
the student transfers to a new resident district and otherwise 941  
would be assigned in the new resident district to a school 942  
building described in division (A) (1) or (C) of this section. 943

(2) Except as provided in divisions (K) (1) and (L) of 944  
section 3301.0711 of the Revised Code, the student takes each 945  
assessment prescribed for the student's grade level under 946  
section 3301.0710 or 3301.0712 of the Revised Code while 947  
enrolled in a chartered nonpublic school. 948

(3) In each school year that the student is enrolled in a 949  
chartered nonpublic school, the student is absent from school 950  
for not more than twenty days that the school is open for 951  
instruction, not including excused absences. 952

(E) ~~(1)~~ The department shall cease awarding first-time 953

scholarships pursuant to divisions (A) (1) to (4) of this section 954  
with respect to a school building that, in the most recent 955  
ratings of school buildings under section 3302.03 of the Revised 956  
Code prior to the first day of July of the school year, ceases 957  
to meet the criteria in division (A) (1) of this section. 958

~~(2) The department shall cease awarding first-time 959  
scholarships pursuant to division (C) of this section with- 960  
respect to a school district subject to section 3302.10 of the 961  
Revised Code when the academic distress commission established 962  
for the district ceases to exist. 963~~

~~(3) However, students who have received scholarships in 964  
the prior school year remain eligible students pursuant to 965  
division (D) of this section. 966~~

(F) The state board of education shall adopt rules 967  
defining excused absences for purposes of division (D) (3) of 968  
this section. 969

**Sec. 3311.29.** (A) Except as provided under division (B), 970  
(C), or (D) of this section, no school district shall be created 971  
and no school district shall exist which does not maintain 972  
within such district public schools consisting of grades 973  
kindergarten through twelve and any such existing school 974  
district not maintaining such schools shall be dissolved and its 975  
territory joined with another school district or districts by 976  
order of the state board of education if no agreement is made 977  
among the surrounding districts voluntarily, which order shall 978  
provide an equitable division of the funds, property, and 979  
indebtedness of the dissolved school district among the 980  
districts receiving its territory. The state board of education 981  
may authorize exceptions to school districts where topography, 982  
sparsity of population, and other factors make compliance 983

impracticable. 984

The superintendent of public instruction is without 985  
authority to distribute funds under Chapter 3317. of the Revised 986  
Code to any school district that does not maintain schools with 987  
grades kindergarten through twelve and to which no exception has 988  
been granted by the state board of education. 989

(B) Division (A) of this section does not apply to any 990  
joint vocational school district or any cooperative education 991  
school district established pursuant to divisions (A) to (C) of 992  
section 3311.52 of the Revised Code. 993

(C) (1) (a) Except as provided in division (C) (3) of this 994  
section, division (A) of this section does not apply to any 995  
cooperative education school district established pursuant to 996  
section 3311.521 of the Revised Code nor to the city, exempted 997  
village, or local school districts that have territory within 998  
such a cooperative education district. 999

(b) The cooperative district and each city, exempted 1000  
village, or local district with territory within the cooperative 1001  
district shall maintain the grades that the resolution adopted 1002  
or amended pursuant to section 3311.521 of the Revised Code 1003  
specifies. 1004

(2) Any cooperative education school district described 1005  
under division (C) (1) of this section that fails to maintain the 1006  
grades it is specified to operate shall be dissolved by order of 1007  
the state board of education unless prior to such an order the 1008  
cooperative district is dissolved pursuant to section 3311.54 of 1009  
the Revised Code. Any such order shall provide for the equitable 1010  
adjustment, division, and disposition of the assets, property, 1011  
debts, and obligations of the district among each city, local, 1012

and exempted village school district whose territory is in the 1013  
cooperative district and shall provide that the tax duplicate of 1014  
each city, local, and exempted village school district whose 1015  
territory is in the cooperative district shall be bound for and 1016  
assume its share of the outstanding indebtedness of the 1017  
cooperative district. 1018

(3) If any city, exempted village, or local school 1019  
district described under division (C) (1) of this section fails 1020  
to maintain the grades it is specified to operate the 1021  
cooperative district within which it has territory shall be 1022  
dissolved in accordance with division (C) (2) of this section and 1023  
upon that dissolution any city, exempted village, or local 1024  
district failing to maintain grades kindergarten through twelve 1025  
shall be subject to the provisions for dissolution in division 1026  
(A) of this section. 1027

(D) Division (A) of this section does not apply to any 1028  
school district that is or has ever been subject to former 1029  
section 3302.10 of the Revised Code, as it ~~exists on and after~~ 1030  
~~the effective date of this amendment~~ existed prior to the 1031  
effective date of this amendment, and has had a majority of its 1032  
schools reconstituted or closed under that section. 1033

**Sec. 3314.102.** (A) As used in this section+ 1034

~~(1) "Chief executive officer" means a chief executive~~ 1035  
~~officer appointed by an academic distress commission pursuant to~~ 1036  
~~section 3302.10 of the Revised Code.~~ 1037

~~(2) "Municipal, "municipal school district" and "mayor"~~ 1038  
have the same meanings as in section 3311.71 of the Revised 1039  
Code. 1040

(B) Notwithstanding section 3314.10 and sections 4117.03 1041

to 4117.18 of the Revised Code and Section 4 of Amended 1042  
Substitute Senate Bill No. 133 of the 115th general assembly, 1043  
the employees of a conversion community school that is sponsored 1044  
by the board of education of a municipal school district ~~or a~~ 1045  
~~school district for which an academic distress commission has~~ 1046  
~~been established under section 3302.10 of the Revised Code shall~~ 1047  
cease to be subject to any future collective bargaining 1048  
agreement, if the mayor ~~or chief executive officer~~ submits to 1049  
the board of education sponsoring the school and to the state 1050  
employment relations board a statement requesting that all 1051  
employees of the community school be removed from a collective 1052  
bargaining unit. The employees of the community school who are 1053  
covered by a collective bargaining agreement in effect on the 1054  
date the mayor ~~or chief executive officer~~ submits the statement 1055  
shall remain subject to that collective bargaining agreement 1056  
until the collective bargaining agreement expires on its terms. 1057  
Upon expiration of that collective bargaining agreement, the 1058  
employees of that school are not subject to Chapter 4117. of the 1059  
Revised Code and may not organize or collectively bargain 1060  
pursuant to that chapter. 1061

**Section 2.** That existing sections 133.06, 3302.036, 1062  
3302.042, 3302.12, 3302.17, 3310.02, 3310.03, 3311.29, and 1063  
3314.102 of the Revised Code are hereby repealed. 1064

**Section 3.** That sections 3302.10, 3302.101, 3302.102, and 1065  
3302.11 of the Revised Code are hereby repealed. 1066

**Section 4.** That Section 5 of S.B. 89 of the 133rd General 1067  
Assembly be amended to read as follows: 1068

**Sec. 5.** (A) Notwithstanding anything to the contrary in 1069  
section 3310.03 of the Revised Code, a student is eligible for 1070  
an Educational Choice Scholarship for the 2021-2022 school year 1071

if the student satisfies all of the following conditions: 1072

(1) The student was enrolled in a public or nonpublic 1073  
school in any of grades kindergarten through twelve, or was 1074  
homeschooled for the equivalent of those grades, in the 2020- 1075  
2021 school year. 1076

(2) The student was eligible for a scholarship for the 1077  
2020-2021 school year under Section 31 of H.B. 197 of the 133rd 1078  
General Assembly. 1079

(3) For the 2021-2022 school year, the student would be 1080  
enrolled in a building that, in the 2019-2020 school year, met 1081  
one of the conditions described in division (A), (B), ~~(D)~~, or 1082  
(E) of section 3310.03 of the Revised Code, as it existed prior 1083  
~~to the effective date of this section~~ March 2, 2021. 1084

(B) If the number of students who apply for an Educational 1085  
Choice Scholarship exceeds the maximum number of scholarships 1086  
permitted under division (A) of section 3310.02 of the Revised 1087  
Code, priority shall first be given to those students applying 1088  
for a scholarship under section 3310.03 of the Revised Code in 1089  
accordance with division (B) of section 3310.02 of the Revised 1090  
Code. If the number of available scholarships has not been 1091  
exceeded after scholarships are awarded in accordance with 1092  
section 3310.02 of the Revised Code, the Department of Education 1093  
shall award scholarships under this section in the following 1094  
order of priority: 1095

(1) First, to eligible students with family incomes at or 1096  
below two hundred per cent of the federal poverty guidelines who 1097  
qualify under this section. If the number of students described 1098  
in division (B) (1) of this section who apply for a scholarship 1099  
exceeds the number of available scholarships after awards are 1100

made under divisions (B) (1) to ~~(5)~~ (3) of section 3310.02 of the Revised Code, the Department shall select students described in division (B) (1) of this section by lot to receive any remaining scholarships.

(2) Second, to other eligible students who qualify under this section. If the number of students described in division (B) (2) of this section who apply for a scholarship exceeds the number of available scholarships after awards are made under divisions (B) (1) to ~~(5)~~ (3) of section 3310.02 of the Revised Code and division (B) (1) of this section, the Department shall select students described in division (B) (2) of this section by lot to receive any remaining scholarships.

(C) A student who receives an Educational Choice Scholarship under this section remains an eligible student and may continue to receive a scholarship in subsequent school years until the student completes grade twelve, so long as the student satisfies the conditions specified in divisions (D) (1) to (3) of section 3310.03 of the Revised Code.

**Section 5.** That existing Section 5 of S.B. 89 of the 133rd General Assembly is hereby repealed.

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

**Section 7.** Any academic distress commission organized for a school district under former section 3302.10 of the Revised Code as it existed prior to the effective date of this section is hereby dissolved. The board of education of each district wherein an academic distress commission previously had been established shall reassume all the powers granted to it under the Revised Code.

**Section 8.** Section 3302.036 of the Revised Code is 1130  
presented in this act as a composite of the section as amended 1131  
by both H.B. 64 and of the 131st General Assembly. The General 1132  
Assembly, applying the principle stated in division (B) of 1133  
section 1.52 of the Revised Code that amendments are to be 1134  
harmonized if reasonably capable of simultaneous operation, 1135  
finds that the composite is the resulting version of the section 1136  
in effect prior to the effective date of the section as 1137  
presented in this act. 1138