

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**

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>7</u> or <u>or</u> section 3302.10 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
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:	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 the effective date	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. 867
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(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. 871
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(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. 874
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(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. 880
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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. 888
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(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 893
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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 Chapter 3314. of the Revised Code;~~ 925
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~~(2) Will be both enrolling in any of grades kindergarten through twelve in this state for the first time and at least five years of age by the first day of January of the school year for which a scholarship is sought as it existed on that date, and the student remains an eligible student pursuant to division (D) of this section. The department shall cease awarding first-time scholarships pursuant to division (C) of this section on the effective date of this amendment.~~ 927
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(D) A student who receives a scholarship under the educational choice scholarship pilot program remains an eligible student and may continue to receive scholarships in subsequent school years until the student completes grade twelve, so long as all of the following apply: 935
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(1) The student's resident district remains the same, or the student transfers to a new resident district and otherwise would be assigned in the new resident district to a school building described in division (A) (1) or (C) of this section. 940
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(2) Except as provided in divisions (K) (1) and (L) of section 3301.0711 of the Revised Code, the student takes each assessment prescribed for the student's grade level under section 3301.0710 or 3301.0712 of the Revised Code while enrolled in a chartered nonpublic school. 944
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(3) In each school year that the student is enrolled in a chartered nonpublic school, the student is absent from school for not more than twenty days that the school is open for instruction, not including excused absences. 949
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(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