

As Introduced

131st General Assembly

Regular Session

2015-2016

H. B. No. 379

Representative Lepore-Hagan

**Cosponsors: Representatives Antonio, Boccieri, Driehaus, Fedor, Howse,
Johnson, G., Patterson, Smith, K.**

A BILL

To amend sections 3302.10 and 3314.102; to enact 1
sections 3302.038, 3302.101, and 3302.103; and 2
to repeal section 3302.11 of the Revised Code 3
and to amend Section 263.220 of Am. Sub. H.B. 64 4
of the 131st General Assembly with regard to the 5
operation of academic distress commissions and 6
to modify the earmarked funding for the 7
establishment of academic distress commissions. 8

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

Section 1. That sections 3302.10 and 3314.102 be amended 9
and sections 3302.038, 3302.101, and 3302.103 of the Revised 10
Code be enacted to read as follows: 11

Sec. 3302.038. For any school district subject to an 12
academic distress commission under section 3302.10 of the 13
Revised Code as it exists on or after October 15, 2015, the 14
department of education shall include on the state report card 15
for the district required under section 3302.03 of the Revised 16
Code the number of students entitled to attend school in the 17
district under section 3313.64 or 3313.65 of the Revised Code 18

who are enrolled in other public or private schools, the names 19
of the schools in which those students are enrolled, and the 20
aggregated scores of those students on each of the applicable 21
assessments under sections 3301.0710, 3301.0712, and 3313.619 of 22
the Revised Code. 23

Sec. 3302.10. (A) The superintendent of public instruction 24
shall establish an academic distress commission for any school 25
district that meets one of the following conditions: 26

(1) The district has received an overall grade of "F" 27
under division (C)(3) of section 3302.03 of the Revised Code for 28
three consecutive years. 29

(2) An academic distress commission established for the 30
district under former section 3302.10 of the Revised Code was 31
still in existence ~~on the effective date of this section~~ October 32
15, 2015, and has been in existence for at least four years. 33

(B)(1) The academic distress commission shall consist of 34
~~five~~ seven members as follows: 35

(a) Three members appointed by the state superintendent, 36
one of whom is a resident in the county in which a majority of 37
the district's territory is located; 38

(b) ~~One member~~ Two members appointed by the president of 39
the district board of education, ~~who~~ one of whom shall be a 40
teacher employed by the district and one of whom shall be a 41
parent or guardian of a student enrolled in the district; 42

(c) One member appointed by the president of the 43
district's teacher labor organization, who shall be a teacher 44
employed by the district; 45

(d) One member appointed by the mayor of the municipality 46

in which a majority of the district's territory is located or, 47
if no such municipality exists, by the mayor of a municipality 48
selected by the state superintendent in which the district has 49
territory. 50

Appointments to the commission shall be made within thirty 51
days after the district is notified that it is subject to this 52
section. Members of the commission shall serve at the pleasure 53
of their appointing authority. The ~~state superintendent~~ 54
commission annually shall designate, by a majority vote of its 55
membership, a chairperson for the commission from among the its 56
members appointed by the state superintendent, who shall serve 57
for a term of one year. The chairperson shall call and conduct 58
meetings, set meeting agendas, and serve as a liaison between 59
the commission and the chief executive officer appointed under 60
division (C) (1) of this section. 61

(2) In the case of a school district that meets the 62
condition in division (A) (2) of this section, the academic 63
distress commission established for the district under former 64
section 3302.10 of the Revised Code shall be abolished and a new 65
academic distress commission shall be appointed for the district 66
pursuant to division (B) (1) of this section. 67

(C) (1) Within sixty days after the ~~state superintendent~~ 68
commission has designated a chairperson for the academic 69
distress commission, the commission also shall appoint a chief 70
executive officer for the district, who shall be paid by the 71
department of education and shall serve at the pleasure of the 72
commission. The individual appointed as chief executive officer 73
shall have high-level management experience in the public or 74
private sector, at least ten years' experience working in the 75
education field as either a teacher or administrator, and 76

<u>significant experience working with communities where a majority</u>	77
<u>of the residents have family incomes that are at or below two</u>	78
<u>hundred per cent of the federal poverty guidelines, as defined</u>	79
<u>in section 5101.46 of the Revised Code.</u> The chief executive	80
officer shall exercise complete operational, managerial, and	81
instructional control of the district, which shall include, but	82
shall not be limited to, the following powers and duties, but	83
the chief executive officer may delegate, in writing, specific	84
powers or duties to the district board or district	85
superintendent:	86
(a) Replacing school administrators and central office	87
staff;	88
(b) Assigning employees to schools and approving	89
transfers;	90
(c) Hiring new employees;	91
(d) Defining employee responsibilities and job	92
descriptions;	93
(e) Establishing employee compensation;	94
(f) Allocating teacher class loads;	95
(g) Conducting employee evaluations;	96
(h) Making reductions in staff under section 3319.17,	97
3319.171, or 3319.172 of the Revised Code;	98
(i) Setting the school calendar;	99
(j) Creating a budget for the district;	100
(k) Contracting for services for the district;	101
(l) Modifying policies and procedures established by the	102
district board;	103

(m) Establishing grade configurations of schools;	104
(n) Determining the school curriculum;	105
(o) Selecting instructional materials and assessments;	106
(p) Setting class sizes;	107
(q) Providing for staff professional development;	108
<u>(r) Creating a community learning center for one or more</u>	109
<u>buildings in the district under section 3302.17 of the Revised</u>	110
<u>Code.</u>	111
(2) If an improvement coordinator was previously appointed	112
for the district pursuant to division (A) of section 3302.04 of	113
the Revised Code, that position shall be terminated. However,	114
nothing in this section shall prohibit the chief executive	115
officer from employing the same individual or other staff to	116
perform duties or functions previously performed by the	117
improvement coordinator.	118
(D) The academic distress commission, in consultation with	119
the state superintendent and the chief executive officer, shall	120
be responsible for expanding high-quality school choice options	121
in the district. The commission, in consultation with the state	122
superintendent, may create an entity to act as a high-quality	123
school accelerator for schools not operated by the district. The	124
accelerator shall promote high-quality schools in the district,	125
lead improvement efforts for underperforming schools, recruit	126
high-quality sponsors for community schools, attract new high-	127
quality schools to the district, and increase the overall	128
capacity of schools to deliver a high-quality education for	129
students. Any accelerator shall be an independent entity and the	130
chief executive officer shall have no authority over the	131
accelerator.	132

(E) (1) Within thirty days after the chief executive 133
officer is appointed, the chief executive officer shall ~~convene~~ 134
~~a group of community stakeholders. The purpose of the group~~ 135
~~shall be~~ meet with the school action teams created under section 136
3302.101 of the Revised Code to develop expectations for 137
academic improvement in the district and to assist the district 138
in building relationships with organizations in the community 139
that can provide needed services to students. ~~Members of the~~ 140
~~group shall include, but shall not be limited to, educators,~~ 141
~~civic and business leaders, and representatives of institutions~~ 142
~~of higher education and government service agencies. Within~~ 143
~~ninety days after the chief executive officer is appointed, the~~ 144
~~chief executive officer also shall convene a smaller group of~~ 145
~~community stakeholders for each school operated by the district~~ 146
~~to develop expectations for academic improvement in that school.~~ 147
~~The group convened for each school shall have teachers employed~~ 148
~~in the school and parents of students enrolled in the school~~ 149
~~among its members.~~ 150

(2) The chief executive officer shall create a plan to 151
improve the district's academic performance that includes 152
minimum levels of progress required to avoid any of the actions 153
to reconstitute a school under division (G) (1) of this section. 154
In creating the plan, the chief executive officer shall consult 155
with the ~~groups convened under division (E) (1) of this section~~ 156
school action teams created under section 3302.101 of the 157
Revised Code. The chief executive officer also shall consider 158
the availability of funding to ensure sustainability of the 159
plan. The plan shall establish clear, measurable performance 160
goals for the district and for each school operated by the 161
district. The performance goals shall include, but not be 162
limited to, the performance measures prescribed for report cards 163

issued under section 3302.03 of the Revised Code. Within ninety 164
days after the chief executive officer is appointed, the chief 165
executive officer shall submit the plan to the academic distress 166
commission for approval. Within thirty days after the submission 167
of the plan, the commission shall approve the plan or suggest 168
modifications to the plan that will render it acceptable. If the 169
commission suggests modifications, the chief executive officer 170
may revise the plan before resubmitting it to the commission. 171
The chief executive officer shall resubmit the plan, whether 172
revised or not, within fifteen days after the commission 173
suggests modifications. The commission shall approve the plan 174
within thirty days after the plan is resubmitted. Upon approval 175
of the plan by the commission, the chief executive officer shall 176
implement the plan. 177

(3) The chief executive officer shall include all of the 178
following in the academic performance improvement plan required 179
under division (E) of this section: 180

(a) The establishment of at least one community learning 181
center under section 3302.17 of the Revised Code; 182

(b) Annual cultural competency training, as determined by 183
the chief executive officer, for all teaching and administrative 184
employees of the district; 185

(c) A plan to maximize enrollment in preschool programs 186
provided by the district, which includes the identification of 187
barriers to access to preschool programs. The chief executive 188
officer shall work with school actions teams created under 189
section 3302.101 of the Revised Code to build outreach efforts 190
to increase enrollment in the preschool programs. 191

~~(F) Notwithstanding any provision to the contrary in- 192~~

~~Chapter 4117. of the Revised Code, if the district board has~~ 193
~~entered into, modified, renewed, or extended a collective~~ 194
~~bargaining agreement on or after the effective date of this~~ 195
~~section that contains provisions relinquishing one or more of~~ 196
~~the rights or responsibilities listed in division (C) of section~~ 197
~~4117.08 of the Revised Code, those provisions are not~~ 198
~~enforceable and the chief executive officer and the district~~ 199
~~board shall resume holding those rights or responsibilities as~~ 200
~~if the district board had not relinquished them in that~~ 201
~~agreement until such time as both the academic distress~~ 202
~~commission ceases to exist and the district board agrees to~~ 203
~~relinquish those rights or responsibilities in a new collective~~ 204
~~bargaining agreement. For purposes of this section, "collective~~ 205
~~bargaining agreement" shall include any labor contract or~~ 206
~~agreement in effect with any applicable bargaining~~ 207
~~representative. The chief executive officer and the district~~ 208
~~board are not required to bargain on subjects reserved to the~~ 209
~~management and direction of the school district, including, but~~ 210
~~not limited to, the rights or responsibilities listed in~~ 211
~~division (C) of section 4117.08 of the Revised Code. The way in~~ 212
~~which these subjects and these rights or responsibilities may~~ 213
~~affect the wages, hours, terms and conditions of employment, or~~ 214
~~the continuation, modification, or deletion of an existing~~ 215
~~provision of a collective bargaining agreement is not subject to~~ 216
~~collective bargaining or effects bargaining under Chapter 4117.~~ 217
~~of the Revised Code. The provisions of this paragraph apply to a~~ 218
~~collective bargaining agreement entered into, modified, renewed,~~ 219
~~or extended on or after the effective date of this section and~~ 220
~~those provisions are deemed to be part of that agreement~~ 221
~~regardless of whether the district satisfied the conditions~~ 222
~~prescribed in division (A) of this section at the time the~~ 223
~~district entered into that agreement. If the district board~~ 224

~~relinquished one or more of the rights or responsibilities— 225
listed in division (C) of section 4117.08 of the Revised Code in— 226
a collective bargaining agreement entered into prior to the— 227
effective date of this section and had resumed holding those— 228
rights or responsibilities pursuant to division (K) of former— 229
section 3302.10 of the Revised Code, as it existed prior to that— 230
date, the district board shall continue to hold those rights or— 231
responsibilities until such time as both the new academic— 232
distress commission appointed under this section ceases to exist— 233
upon completion of the transition period specified in division— 234
(N) (1) of this section and the district board agrees to— 235
relinquish those rights or responsibilities in a new collective— 236
bargaining agreement.— 237~~

~~(G) In each school year that the district is subject to 238
this section, the following shall apply: 239~~

~~(1) The chief executive officer shall implement the 240
improvement plan approved under division (E) (2) of this section 241
and shall review the plan annually to determine if changes are 242
needed. The chief executive officer may modify the plan upon the 243
approval of the modifications by the academic distress 244
commission. 245~~

~~(2) The chief executive officer may implement innovative 246
education programs to do any of the following: 247~~

~~(a) Address the physical and mental well-being of students 248
and their families; 249~~

~~(b) Provide mentoring; 250~~

~~(c) Provide job resources; 251~~

~~(d) Disseminate higher education information; 252~~

(e) Offer recreational or cultural activities;	253
(f) Provide any other services that will contribute to a successful learning environment.	254 255
The chief executive officer shall establish a separate fund to support innovative education programs and shall deposit any moneys appropriated by the general assembly for the purposes of division (G) (F) (2) of this section in the fund. The chief executive officer shall have sole authority to disburse moneys from the fund until the district is no longer subject to this section. All disbursements shall support the improvement plan approved under division (E) (2) of this section.	256 257 258 259 260 261 262 263
(3) If the district is not a school district in which the pilot project scholarship program is operating under sections 3313.974 to 3313.979 of the Revised Code, each student who is entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code and is enrolled in a school operated by the district or in a community school, or 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 following school year, shall be eligible to participate in the educational choice scholarship pilot program established under sections 3310.01 to 3310.17 of the Revised Code and an application for the student may be submitted during the next application period.	264 265 266 267 268 269 270 271 272 273 274 275 276
(4) Notwithstanding anything to the contrary in the Revised Code, the chief executive officer may limit, suspend, or alter any contract with an administrator that is entered into, modified, renewed, or extended by the district board on or after the effective date of this section <u>October 15, 2015</u> , provided that the chief executive officer shall not reduce any salary or	277 278 279 280 281 282

base hourly rate of pay unless such salary or base hourly rate 283
reductions are part of a uniform plan affecting all district 284
employees and shall not reduce any insurance benefits unless 285
such insurance benefit reductions are also applicable generally 286
to other employees of the district. 287

~~(5) The chief executive officer shall represent the 288
district board during any negotiations to modify, renew, or 289
extend a collective bargaining agreement entered into by the 290
board under Chapter 4117. of the Revised Code. 291~~

~~(H)~~ (G) If the report card for the district has been 292
issued under section 3302.03 of the Revised Code for the ~~first~~ 293
second school year that the district is subject to this section 294
and the district does not meet the qualification in division ~~(N)~~ 295
(J) (1) of this section, the following shall apply: 296

(1) The chief executive officer may reconstitute any 297
school operated by the district. The chief executive officer 298
shall present to the academic distress commission a plan that 299
lists each school designated for reconstitution and explains how 300
the chief executive officer plans to reconstitute the school. 301
The chief executive officer may take any of the following 302
actions to reconstitute a school: 303

(a) Change the mission of the school or the focus of its 304
curriculum; 305

(b) Replace the school's principal and/or administrative 306
staff; 307

(c) Replace a majority of the school's staff, including 308
teaching and nonteaching employees; 309

(d) Contract with a nonprofit or for-profit entity to 310
manage the operations of the school. The contract may provide 311

for the entity to supply all or some of the staff for the 312
school. 313

(e) Reopen the school as a community school under Chapter 314
3314. of the Revised Code or a science, technology, engineering, 315
and mathematics school under Chapter 3326. of the Revised Code; 316

(f) Permanently close the school. 317

(2)(a) If the chief executive officer plans to 318
reconstitute a school under division ~~(H)~~(G) (1) (e) or (f) of this 319
section, the commission shall review the plan for that school 320
and either approve or reject it by the thirtieth day of June of 321
the school year. Upon approval of the plan by the commission, 322
the chief executive officer shall reconstitute the school as 323
outlined in the plan. 324

(b) If the chief executive officer plans to close a school 325
under division (G) (1) (f) of this section, the chief executive 326
officer shall develop a closure plan for the school. The closure 327
plan shall include the reasons for closing the school, where 328
students enrolled in the school will be assigned, and the method 329
by which the chief executive officer shall inform parents of 330
students enrolled in the school of educational options, 331
including other schools operated by the district. 332

The chief executive officer shall conduct a public hearing 333
to present the closure plan. The chief executive officer shall 334
give public notice of the hearing not less than thirty days 335
prior to the date of the hearing. No hearing shall be held 336
between the hours of eight a.m. and five p.m. Monday through 337
Friday. Parents, guardians, teachers, community members, and 338
other interested parties shall have an opportunity to speak at 339
the hearing. Minutes of the hearing shall be broadly distributed 340

to residents of the district. 341

~~(2) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the chief executive officer, in consultation with the chairperson of the academic distress commission, may reopen any collective bargaining agreement entered into, modified, renewed, or extended on or after the effective date of this section for the purpose of renegotiating its terms. The chief executive officer shall have the sole discretion to designate any provisions of a collective bargaining agreement as subject to reopening by providing written notice to the bargaining representative. Any provisions designated for reopening by the chief executive officer shall be subject to collective bargaining as set forth in Chapter 4117. of the Revised Code. Any changes to the provisions subject to reopening shall take effect on the following first day of July or another date agreed to by the parties. The chief executive officer may reopen a collective bargaining agreement under division (H) (2) of this section as necessary to reconstitute a school under division (H) (1) of this section.~~ 342-359

~~(I)-(H)~~ If the report card for the district has been issued under section 3302.03 of the Revised Code for the second-third school year that the district is subject to this section, or for any subsequent school year that the district is subject to this section, and the district does not meet the qualification in division ~~(N)~~ (J) (1) of this section, the following shall apply:— 360-366

~~(1)~~ The chief executive officer may exercise any of the powers authorized under division (H)-(G) of this section. If the chief executive officer chooses to exercise any of those powers, the applicable requirements of division (G) shall apply. 367-370

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

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

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

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

~~(K) If the report card for the district has been issued~~

~~under section 3302.03 of the Revised Code for the fourth school-~~ 401
~~year that the district is subject to this section and the~~ 402
~~district does not meet the qualification in division (N) (1) of~~ 403
~~this section, the following shall apply:—~~ 404

~~(1) The chief executive officer may exercise any of the~~ 405
~~powers authorized under division (H), (I), or (J) of this~~ 406
~~section.—~~ 407

~~(2) A new board of education shall be appointed for the~~ 408
~~district in accordance with section 3302.11 of the Revised Code.—~~ 409
~~However, the chief executive officer shall retain complete~~ 410
~~operational, managerial, and instructional control of the~~ 411
~~district until the chief executive officer relinquishes that~~ 412
~~control to the district board under division (N) (1) of this~~ 413
~~section.—~~ 414

~~(L) If the report card for the district has been issued~~ 415
~~under section 3302.03 of the Revised Code for the fifth school-~~ 416
~~year, or any subsequent school year, that the district is~~ 417
~~subject to this section and the district does not meet the~~ 418
~~qualification in division (N) (1) of this section, the chief-~~ 419
~~executive officer may exercise any of the powers authorized~~ 420
~~under division (H), (I), (J), or (K) (1) of this section.—~~ 421

~~(M)~~ (I) ~~If division (I), (J), (K), or (L)~~ (H) of this 422
section applies to a district, community schools, STEM schools, 423
chartered nonpublic schools, and other school districts that 424
enroll students residing in the district and ~~meet academic~~ 425
~~accountability standards qualify as high-quality schools or~~ 426
districts shall be eligible to be paid an academic performance 427
bonus in each fiscal year for which the general assembly 428
appropriates funds for that purpose. The academic performance 429
bonus is intended to give students residing in the district 430

access to a high-quality education by encouraging high-quality 431
schools to enroll those students. 432

In order for a community school to be eligible for a bonus 433
under division (I) of this section, the sponsor of the school 434
also shall qualify as a high-quality sponsor. 435

~~(N)~~(J)(1) When a district subject to this section receives 436
~~an overall a~~ grade of "C" or higher for the performance index 437
score or the overall value-added progress dimension score 438
under division (B) (1) (b) or (e) or (C) ~~(3)~~ (1) (b) or (e) 439 of section
3302.03 of the Revised Code, the district shall begin its 440
transition out of being subject to this section. Except as 441
provided in division ~~(N)~~(J)(2) of this section, the transition 442
period shall last until the district has received an overall 443
grade higher than "F" under division (C) (3) of section 3302.03 444
of the Revised Code for two consecutive school years after the 445
transition period begins. The ~~overall~~ grade of "C" or higher for 446
the performance index score or value-added progress dimension 447
score that qualifies the district to begin the transition period 448
shall not count as one of the two consecutive school years. 449
During the transition period, the conditions described in 450
divisions (F) ~~to (L)~~, (G), and (H) of this section for the 451
school year prior to the school year in which the transition 452
period begins shall continue to apply and the chief executive 453
officer shall work closely with the district board and district 454
superintendent to increase their ability to resume control of 455
the district and sustain the district's academic improvement 456
over time. Upon completion of the transition period, the chief 457
executive officer shall relinquish all operational, managerial, 458
and instructional control of the district to the district board 459
and district superintendent and the academic distress commission 460
shall cease to exist. 461

(2) If the district receives an overall grade of "F" under 462
division (C) (3) of section 3302.03 of the Revised Code at any 463
time during the transition period, the transition period shall 464
end and the district shall be fully subject to this section 465
again. The district shall resume being fully subject to this 466
section at the point it began its transition out of being 467
subject to this section and the division in ~~divisions~~ division 468
(G) or (H) ~~to (L)~~ of this section that would have applied to the 469
district had the district not qualified to begin its transition 470
under division ~~(N)~~ (J) (1) of this section shall apply to the 471
district. 472

~~(O)~~ (K) If at any time there are no longer any schools 473
operated by the district due to reconstitution or other closure 474
of the district's schools under this section, the academic 475
distress commission shall cease to exist and the chief executive 476
officer shall cease to exercise any powers with respect to the 477
district. 478

~~(P) Beginning on the effective date of this section, each 479
collective bargaining agreement entered into by a school 480
district board of education under Chapter 4117. of the Revised 481
Code shall incorporate the provisions of this section. 482~~

~~(Q)~~ (L) The chief executive officer, the members of the 483
academic distress commission, the state superintendent, and any 484
person authorized to act on behalf of or assist them shall not 485
be personally liable or subject to any suit, judgment, or claim 486
for damages resulting from the exercise of or failure to 487
exercise the powers, duties, and functions granted to them in 488
regard to their functioning under this section, but the chief 489
executive officer, commission, state superintendent, and such 490
other persons shall be subject to mandamus proceedings to compel 491

performance of their duties under this section. 492

~~(R)~~ (M) The state superintendent shall not exempt any 493
district from this section by approving an application for an 494
innovative education pilot program submitted by the district 495
under section 3302.07 of the Revised Code. 496

(N) The documents, notices, or information related to all 497
of the following are public records as defined in section 149.43 498
of the Revised Code, and a copy of each shall be submitted to 499
the speaker and minority leader of the house of representatives, 500
the president and minority leader of the senate, and to the 501
chairpersons of the standing committees of the house and the 502
senate that deal primarily with education issues: 503

(1) Each appointment made to an academic distress 504
commission in accordance with division (B)(1) of this section; 505

(2) The designation of the chairperson of an academic 506
distress commission in accordance with division (B)(1) of this 507
section; 508

(3) The appointment of a chief executive officer in 509
accordance with division (C)(1) of this section; 510

(4) The salary of the chief executive officer appointed in 511
accordance with division (C)(1) of this section; 512

(5) The creation of a high-quality school accelerator in 513
accordance with division (D) of this section; 514

(6) The chief executive officer's district improvement 515
plan required pursuant to division (E)(2) of this section. 516

(O)(1) Each meeting of any of the members of an academic 517
distress commission created pursuant to this section shall be a 518
public meeting held in accordance with section 121.22 of the 519

Revised Code. No meetings shall be held between the hours of 520
eight a.m. and five p.m. Monday through Friday. The commission 521
shall provide at least twenty-four hours' advance notice of any 522
meeting and shall post that notice on the school district's web 523
site. Parents, guardians, teachers, community members, and other 524
interested parties shall have an opportunity to speak at each 525
meeting. Meeting minutes shall be broadly distributed. 526

(2) The chief executive officer shall conduct a public 527
meeting in accordance with section 121.22 of the Revised Code 528
prior to implementation of the chief executive officer's 529
improvement plan, and annually thereafter to review the plan. No 530
meetings shall be held between the hours of eight a.m. and five 531
p.m. Monday through Friday. The chief executive officer shall 532
provide at least thirty days' advance notice of the meeting, at 533
which parents, guardians, teachers, community members, and other 534
interested parties shall have an opportunity to speak. Meeting 535
minutes shall be broadly distributed. 536

The chief executive officer shall conduct a follow-up 537
meeting at least once annually until action is taken with regard 538
to the academic improvement plan or until the school district is 539
no longer subject to academic distress pursuant to this section. 540

(P) As used in this section: 541

(1) "High-quality district" means a district that received 542
an "A" for the performance index score under division (B) (1) (b) 543
or (C) (1) (b) of section 3302.03 of the Revised Code or an "A" 544
for the overall value-added progress dimension score under 545
division (B) (1) (e) or (C) (1) (e) of section 3302.03 of the 546
Revised Code on the most recent state report card. 547

(2) "High-quality school" means a school that received an 548

"A" for the performance index score under division (B) (1) (b) or 549
(C) (1) (b) of section 3302.03 of the Revised Code or an "A" for 550
the overall value-added progress dimension score under division 551
(B) (1) (e) or (C) (1) (e) of section 3302.03 of the Revised Code on 552
the most recent state report card. For chartered nonpublic 553
schools, the department shall determine what qualifies as a 554
high-quality school for purposes of this section. 555

(3) "High-quality sponsor" means an entity for which the 556
majority of community schools it sponsors received an "A" for 557
the performance index score under division (B) (1) (b) or (C) (1) 558
(b) of section 3302.03 of the Revised Code or an "A" for the 559
overall value-added progress dimension score under division (B) 560
(1) (e) or (C) (1) (e) of section 3302.03 of the Revised Code on 561
the most recent state report card. 562

Sec. 3302.101. (A) For each school building operated by a 563
school district that is subject to an academic distress 564
commission under section 3302.10 of the Revised Code on or after 565
October 15, 2015, either a teacher assigned to the school 566
building or a group of teachers assigned to the school building 567
shall establish a school action team. The team shall be 568
established within thirty days after the commission has 569
appointed a chief executive officer for the district under 570
division (C) (1) of that section. 571

The school action team shall consist of eleven members as 572
follows: 573

(1) The principal, or the principal's designee, of the 574
school building; 575

(2) Four teachers who are assigned to the school building 576
and are not parents or guardians of students enrolled in the 577

school, as elected by their peers; 578

(3) One nonteaching employee who is assigned to the school building and is not a parent or guardian of a student enrolled in the school, as elected by the employee's peers; 579
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(4) Five individuals, consisting of parents or guardians of students enrolled in the school and members of the community who are not teachers or nonteaching employees, as elected by teachers and nonteaching employees assigned to the school building. 582
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The school action team shall meet within sixty days after its establishment. All members shall serve as voting members, and all formal actions taken by the team shall require an affirmative vote of a majority of its membership. Terms of office shall be for three years, and vacancies shall be filled in the same manner as the original appointment. 587
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Members shall serve without compensation. 593

(B) (1) The school action team shall prepare an annual report on student success recommendations, which shall include recommendations on the following: 594
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(a) Mechanisms to enable community partners and the school to jointly alleviate barriers to learning that impact students outside of the regular school day; 597
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(b) Additional support, assistance, and communication that the school can provide to facilitate parental engagement in student learning, including outreach and engagement strategies designed for parents of students who have low attendance rates or who have been suspended or expelled from school; 600
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(c) The needs of the school with regard to providing 605

intervention services and programs required by state and federal 606
law. 607

(2) The school action team shall provide an annual report 608
on the progress on the student success recommendations at a 609
public hearing. Prior to the hearing, the school action team 610
shall do both of the following: 611

(a) If the principal is not a member of the school action 612
team, submit the progress report to the school principal and 613
jointly review the update with the principal; 614

(b) Meet with the district superintendent, the president 615
of the board of education, the chief executive officer of the 616
district, and the chairperson of the academic distress 617
commission to provide an overview of the progress report. The 618
school action team may meet with these individuals separately or 619
collectively. 620

(3) Each report on student success recommendations 621
completed pursuant to division (B)(1) of this section shall be 622
made readily available to the public and posted in a prominent 623
location on the school district's web site. 624

Reasonable administrative costs incurred by the school 625
action team in fulfilling its duties under division (B) of this 626
section shall be paid by the district. Additionally, at the 627
request of the school action team, the district shall provide 628
space for the public hearing required under division (B)(2) of 629
this section. The space shall be in a district building that is 630
located within the boundaries of the school attendance zone of 631
the applicable school. 632

(C) In addition to the duties required under division (B) 633
of this section, and in addition to consulting on academic 634

performance goals and the improvement plan pursuant to section 635
3302.10 of the Revised Code, including working with the chief 636
executive officer to increase enrollment in preschool programs 637
offered by the district, the school action team shall do all of 638
the following: 639

(1) Monitor and assist in the implementation of the 640
improvement plan; 641

(2) Meet with candidates for principal and other 642
administrative positions and make recommendations to the 643
superintendent and board of education of the district; 644

(3) Advise on school budgets; 645

(4) Establish ongoing mechanisms that engage students, 646
parents, and community members in the school; 647

(5) Collect feedback and information from parents using an 648
annual survey; 649

(6) Develop and approve a written parent involvement 650
policy that outlines the role of parents and guardians in the 651
school; 652

(7) Monitor school progress on data related to academic 653
achievement; attendance, suspensions, and expulsions; graduation 654
rates; and reclassifications disaggregated by major racial and 655
ethnic groups, limited English proficient students, economically 656
disadvantaged students, and students with disabilities; 657

(8) Receive regular updates from the principal on policy 658
matters affecting the school and provide advice on such matters; 659

(9) Meet regularly with parents and community members to 660
discuss policy matters affecting the school; 661

(10) Determine appropriate services or programs, including health care services and on-site resource coordinators, that may be provided by a community partner to students, families, or community members. 662
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As used in this section, "community partner" has the same meaning as in section 3302.16 of the Revised Code. 666
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(D) If a school building already has a school action team under section 3302.18 of the Revised Code, the school action team in existence under that section also shall serve as the school action team for purposes of this section. 668
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(E) Each appointment to a school action team under this section is a public record as defined in section 149.43 of the Revised Code. 672
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(F) The district shall send notification to the speaker and minority leader of the house of representatives, the president and minority leader of the senate, and to the standing committees of the house and the senate that deal primarily with education issues of each appointment made under this section. 675
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Sec. 3302.103. (A) Notwithstanding anything to the contrary in the Revised Code, for each school building operated by a school district that is subject to an academic distress commission under section 3302.10 of the Revised Code on or after October 15, 2015, both of the following shall apply: 680
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(1) If the school building receives, on the most recent report card issued for that building, an overall a grade of "C" or higher for the performance index score or the overall value-added progress dimension score under division (B) (1) (b) or (e) or (C) (1) (b) or (e) of section 3302.03 of the Revised Code, that building shall not be subject to the academic distress 685
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commission under section 3302.10 of the Revised Code. 691
Additionally, the chief executive officer of the district shall 692
relinquish all operational, managerial, and instructional 693
control of that building to the district board and district 694
superintendent. 695

(2) If the school building previously qualified under 696
division (A) (1) of this section, but receives, on the most 697
recent report card issued for that building, an overall grade of 698
"F" under division (C) (3) of section 3302.03 of the Revised 699
Code, that building shall again be fully subject to the academic 700
distress commission under section 3302.10 of the Revised Code. 701
Additionally, the district board and district superintendent 702
shall relinquish all operational, managerial, and instructional 703
control of that building to the chief executive officer of the 704
district. 705

A school building that qualifies under division (A) (2) of 706
this section shall continue to be subject to that division until 707
the building receives, on the most recent report card issued for 708
that building, the criteria required by division (A) (1) of this 709
section. 710

(B) As used in this section, "chief executive officer" 711
means the chief executive officer appointed by the academic 712
distress commission pursuant to division (C) (1) of section 713
3302.10 of the Revised Code. 714

Sec. 3314.102. (A) As used in this section:— 715

~~(1) "Chief executive officer" means a chief executive~~ 716
~~officer appointed by an academic distress commission pursuant to~~ 717
~~section 3302.10 of the Revised Code.~~ 718

~~(2) , "Municipal municipal school district" and "mayor"~~ 719

have the same meanings as in section 3311.71 of the Revised Code. 720
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(B) Notwithstanding ~~section 3314.10 and~~ sections 4117.03 722
to 4117.18 of the Revised Code and Section 4 of Amended 723
Substitute Senate Bill No. 133 of the 115th general assembly, 724
the employees of a conversion community school that is sponsored 725
by the board of education of a municipal school district ~~or a~~ 726
~~school district for which an academic distress commission has~~ 727
~~been established under section 3302.10 of the Revised Code~~ shall 728
cease to be subject to any future collective bargaining 729
agreement, if the mayor ~~or chief executive officer~~ submits to 730
the board of education sponsoring the school and to the state 731
employment relations board a statement requesting that all 732
employees of the community school be removed from a collective 733
bargaining unit. The employees of the community school who are 734
covered by a collective bargaining agreement in effect on the 735
date the mayor ~~or chief executive officer~~ submits the statement 736
shall remain subject to that collective bargaining agreement 737
until the collective bargaining agreement expires on its terms. 738
Upon expiration of that collective bargaining agreement, the 739
employees of that school are not subject to Chapter 4117. of the 740
Revised Code and may not organize or collectively bargain 741
pursuant to that chapter. 742

Section 2. That existing sections 3302.10 and 3314.102 and 743
section 3302.11 of the Revised Code are hereby repealed. 744

Section 3. That Section 263.220 of Am. Sub. H.B. 64 of the 745
131st General Assembly be amended to read as follows: 746

Sec. 263.220. FOUNDATION FUNDING 747

Of the foregoing appropriation item 200550, Foundation 748

Funding, up to \$40,000,000 in each fiscal year shall be used to 749
provide additional state aid to school districts, joint 750
vocational school districts, community schools, and STEM schools 751
for special education students under division (C) (3) of section 752
3314.08, section 3317.0214, division (B) of section 3317.16, and 753
section 3326.34 of the Revised Code, except that the Controlling 754
Board may increase these amounts if presented with such a 755
request from the Department of Education at the final meeting of 756
the fiscal year. 757

Of the foregoing appropriation item 200550, Foundation 758
Funding, up to \$3,800,000 in each fiscal year shall be used to 759
fund gifted education at educational service centers. The 760
Department shall distribute the funding through the unit-based 761
funding methodology in place under division (L) of section 762
3317.024, division (E) of section 3317.05, and divisions (A), 763
(B), and (C) of section 3317.053 of the Revised Code as they 764
existed prior to fiscal year 2010. 765

Of the foregoing appropriation item 200550, Foundation 766
Funding, up to \$37,950,000 in fiscal year 2016 and up to 767
\$41,400,000 in fiscal year 2017 shall be reserved to fund the 768
state reimbursement of educational service centers under the 769
section of this act entitled "EDUCATIONAL SERVICE CENTERS 770
FUNDING"; and up to \$3,500,000 in each fiscal year shall be 771
distributed to educational service centers for School 772
Improvement Initiatives and for the provision of technical 773
assistance as required by the Elementary and Secondary Education 774
Act Flexibility waivers approved for Ohio by the United States 775
Department of Education. Educational service centers shall be 776
required to support districts in the development and 777
implementation of their continuous improvement plans as required 778
in section 3302.04 of the Revised Code and to provide technical 779

assistance and support in accordance with Title I of the "No 780
Child Left Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 6317, 781
as administered pursuant to the Elementary and Secondary 782
Education Act Flexibility waivers approved for Ohio by the 783
United States Department of Education. 784

Of the foregoing appropriation item 200550, Foundation 785
Funding, up to \$20,000,000 in each fiscal year shall be reserved 786
for payments under sections 3317.026, 3317.027, and 3317.028 of 787
the Revised Code. If this amount is not sufficient, the 788
Department of Education shall prorate the payment amounts so 789
that the aggregate amount allocated in this paragraph is not 790
exceeded. 791

Of the foregoing appropriation item 200550, Foundation 792
Funding, up to \$1,000,000 in each fiscal year shall be used to 793
pay career-technical planning districts for the amounts 794
reimbursed to students, as prescribed in this paragraph. Each 795
career-technical planning district shall reimburse individuals 796
taking the online General Educational Development (GED) test for 797
the first time for application/test fees in excess of \$40. Each 798
career-technical planning district shall designate a site or 799
sites where individuals may register and take the exam. For each 800
individual that registers for the exam, the career-technical 801
planning district shall make available and offer career 802
counseling services, including information on adult education 803
programs that are available. Any remaining funds in each fiscal 804
year shall be reimbursed to the Department of Youth Services and 805
the Department of Rehabilitation and Correction for individuals 806
in these facilities who have taken the GED for the first time. 807
The amounts reimbursed shall not exceed the per-individual 808
amounts reimbursed to other individuals under this section for 809
each section of the GED. 810

Of the foregoing appropriation item 200550, Foundation 811
Funding, up to \$29,900,000 in fiscal year 2016 and up to 812
\$38,000,000 in fiscal year 2017 shall be used to support school 813
choice programs. 814

Of the portion of the funds distributed to the Cleveland 815
Municipal School District under this section, up to \$11,901,887 816
in each fiscal year shall be used to operate the school choice 817
program in the Cleveland Municipal School District under 818
sections 3313.974 to 3313.979 of the Revised Code. 819
Notwithstanding divisions (B) and (C) of section 3313.978 and 820
division (C) of section 3313.979 of the Revised Code, up to 821
\$1,000,000 in each fiscal year of this amount shall be used by 822
the Cleveland Municipal School District to provide tutorial 823
assistance as provided in division (H) of section 3313.974 of 824
the Revised Code. The Cleveland Municipal School District shall 825
report the use of these funds in the district's three-year 826
continuous improvement plan as described in section 3302.04 of 827
the Revised Code in a manner approved by the Department of 828
Education. 829

Of the foregoing appropriation item 200550, Foundation 830
Funding, up to \$500,000 in each fiscal year may be used for 831
payment of the College Credit Plus Program for students 832
instructed at home pursuant to section 3321.04 of the Revised 833
Code. 834

Of the foregoing appropriation item 200550, Foundation 835
Funding, an amount shall be available in each fiscal year to be 836
paid to joint vocational school districts in accordance with 837
division (A) of section 3317.16 of the Revised Code, and the 838
section of this act entitled "TEMPORARY TRANSITIONAL AID FOR 839
JOINT VOCATIONAL SCHOOL DISTRICTS." 840

Of the foregoing appropriation item 200550, Foundation 841
Funding, up to \$700,000 in each fiscal year shall be used by the 842
Department of Education for a program to pay for educational 843
services for youth who have been assigned by a juvenile court or 844
other authorized agency to any of the facilities described in 845
division (A) of the section of this act entitled "PRIVATE 846
TREATMENT FACILITY PROJECT." 847

Of the foregoing appropriation item 200550, Foundation 848
Funding, a portion may be used to pay college-preparatory 849
boarding schools the per pupil boarding amount pursuant to 850
section 3328.34 of the Revised Code. 851

Of the foregoing appropriation item 200550, Foundation 852
Funding, up to \$2,000,000 in each fiscal year shall be used for 853
the Bright New Leaders for Ohio Schools Program created and 854
implemented by the nonprofit corporation incorporated pursuant 855
to Section 733.40 of Am. Sub. H.B. 59 of the 130th General 856
Assembly, to provide an alternative path for individuals to 857
receive training and development in the administration of 858
primary and secondary education and leadership, enable those 859
individuals to earn degrees and obtain licenses in public school 860
administration, and promote the placement of those individuals 861
in public schools that have a poverty percentage greater than 862
fifty per cent. 863

Of the foregoing appropriation item 200550, Foundation 864
Funding, \$750,000 in fiscal year 2016 shall be used as matching 865
funds to support efforts by the Accelerate Great Schools public- 866
private partnership to increase the number of high-performing 867
schools in Cincinnati; to attract and develop excellent school 868
leaders and teachers; and to engage families and communities in 869
fostering educational improvement. 870

Of the foregoing appropriation item 200550, Foundation 871
Funding, \$200,000 in each fiscal year shall be used to support 872
Bellefaire JCB's Social Advocates for Youth Program. 873

Of the foregoing appropriation item 200550, Foundation 874
Funding, \$150,000 in each fiscal year shall be used to support 875
programming at the Cleveland Museum of Natural History. 876

Of the foregoing appropriation item 200550, Foundation 877
Funding, a portion in each fiscal year shall be used to pay 878
community schools the amounts calculated for the graduation and 879
third-grade reading bonuses under section 3314.085 and to pay 880
STEM schools the amounts calculated for the graduation bonus 881
under section 3326.41 of the Revised Code. 882

Of the foregoing appropriation item 200550, Foundation 883
Funding, up to \$930,000 in fiscal year 2016 and up to \$2,000,000 884
in fiscal year 2017 may be used by the Department of Education 885
for duties and activities related to the establishment of 886
academic distress commissions under section 3302.10 of the 887
Revised Code. A portion of the funds may be used as matching 888
funds for any monetary contributions made by a school district 889
for which an academic distress commission is established or by 890
the district's local community to support innovative education 891
programs or a high-quality school accelerator as provided for in 892
section 3302.10 of the Revised Code. A portion of the funds 893
shall be used by the Department to hire a district resource 894
coordinator to assist in the development and coordination of 895
programs and services for community learning centers created in 896
school districts under section 3302.17 of the Revised Code. 897

The remainder of appropriation item 200550, Foundation 898
Funding, shall be used to distribute the amounts calculated for 899
formula aid under ~~sections~~section 3317.022 of the Revised Code 900

and the section of this act entitled "TEMPORARY TRANSITIONAL AID 901
FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 902

Appropriation items 200502, Pupil Transportation, 200540, 903
Special Education Enhancements, and 200550, Foundation Funding, 904
other than specific set-asides, are collectively used in each 905
fiscal year to pay state formula aid obligations for school 906
districts, community schools, STEM schools, college preparatory 907
boarding schools, and joint vocational school districts under 908
this act. The first priority of these appropriation items, with 909
the exception of specific set-asides, is to fund state formula 910
aid obligations. It may be necessary to reallocate funds among 911
these appropriation items or use excess funds from other general 912
revenue fund appropriation items in the Department of 913
Education's budget in each fiscal year in order to meet state 914
formula aid obligations. If it is determined that it is 915
necessary to transfer funds among these appropriation items or 916
to transfer funds from other General Revenue Fund appropriations 917
in the Department of Education's budget to meet state formula 918
aid obligations, the Superintendent of Public Instruction shall 919
seek approval from the Director of Budget and Management to 920
transfer funds as needed. 921

The Superintendent of Public Instruction shall make 922
payments, transfers, and deductions, as authorized by Title 923
XXXVIII of the Revised Code in amounts substantially equal to 924
those made in the prior year, or otherwise, at the discretion of 925
the Superintendent, until at least the effective date of the 926
amendments and enactments made to Title XXXVIII by this act. Any 927
funds paid to districts or schools under this section shall be 928
credited toward the annual funds calculated for the district or 929
school after the changes made to Title XXXVIII in this act are 930
effective. Upon the effective date of changes made to Title 931

XXXIII in this act, funds shall be calculated as an annual	932
amount.	933
Section 4. That existing Section 263.220 of Am. Sub. H.B.	934
64 of the 131st General Assembly is hereby repealed.	935