

**As Introduced**

**132nd General Assembly  
Regular Session  
2017-2018**

**H. B. No. 691**

**Representative Ingram**

---

**A BILL**

To amend section 3313.411 of the Revised Code to 1  
allow school district boards of education to 2  
terminate property leases with community schools 3  
when they change sponsors. 4

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

**Section 1.** That section 3313.411 of the Revised Code be 5  
amended to read as follows: 6

**Sec. 3313.411.** (A) As used in this section: 7

(1) "College-preparatory boarding school" means a college- 8  
preparatory boarding school established under Chapter 3328. of 9  
the Revised Code. 10

(2) "Community school" means a community school 11  
established under Chapter 3314. of the Revised Code. 12

(3) "High-performing community school" has the same 13  
meaning as in section 3313.413 of the Revised Code. 14

(4) "Sponsor" has the same meaning as in section 3314.02 15  
of the Revised Code. 16

(5) "STEM school" means a science, technology, 17

engineering, and mathematics school established under Chapter 18  
3326. of the Revised Code. 19

~~(5)~~ (6) "Unused school facilities" means any real property 20  
that has been used by a school district for school operations, 21  
including, but not limited to, academic instruction or 22  
administration, since July 1, 1998, but has not been used in 23  
that capacity for two years. 24

(B) (1) Except as provided in section 3313.412 of the 25  
Revised Code, on and after June 30, 2011, any school district 26  
board of education shall offer any unused school facilities it 27  
owns in its corporate capacity for lease or sale to the 28  
governing authorities of community schools, the boards of 29  
trustees of any college-preparatory boarding schools, and the 30  
governing bodies of any STEM schools, that are located within 31  
the territory of the district. Not later than sixty days after 32  
the district board makes the offer, interested governing 33  
authorities, boards of trustees, and governing bodies shall 34  
notify the district treasurer in writing of the intention to 35  
lease or purchase the property. 36

The district board shall give priority to the governing 37  
authorities of high-performing community schools that are 38  
located within the territory of the district. 39

(2) At the same time that a district board makes the offer 40  
required under division (B) (1) of this section, the board also 41  
may, but shall not be required to, offer that property for sale 42  
or lease to the governing authorities of community schools with 43  
plans, stipulated in their contracts entered into under section 44  
3314.03 of the Revised Code, either to relocate their operations 45  
to the territory of the district or to add facilities, as 46  
authorized by division (B) (3) or (4) of section 3314.05 of the 47

Revised Code, to be located within the territory of the 48  
district. 49

(C) (1) If, not later than sixty days after the district 50  
board makes the offer, only one governing authority of a high- 51  
performing community school offered the property under division 52  
(B) of this section notifies the district treasurer in writing 53  
of the intention to purchase the property pursuant to that 54  
division, the district board shall sell the property to that 55  
party for the appraised fair market value of the property as 56  
determined in an appraisal of the property that is not more than 57  
one year old. 58

If, not later than sixty days after the district board 59  
makes the offer, more than one governing authority of a high- 60  
performing community school offered the property under division 61  
(B) of this section notifies the district treasurer in writing 62  
of the intention to purchase the property pursuant to that 63  
division, the board shall conduct a public auction in the manner 64  
required for auctions of district property under division (A) of 65  
section 3313.41 of the Revised Code. Only the governing 66  
authorities of high-performing community schools that notified 67  
the district treasurer of the intention to purchase the property 68  
pursuant to division (B) of this section are eligible to bid at 69  
the auction. The district board is not obligated to accept any 70  
bid for the property that is lower than the appraised fair 71  
market value of the property as determined in an appraisal that 72  
is not more than one year old. 73

(2) If, not later than sixty days after the district board 74  
makes the offer, no governing authority of a high-performing 75  
community school notifies the district treasurer of its 76  
intention to purchase the property pursuant to division (B) of 77

this section, the board shall then proceed with the offers from 78  
all other start-up community schools, college-preparatory 79  
boarding schools, and STEM schools made pursuant to that 80  
division. 81

If more than one such entity notifies the district 82  
treasurer of its intention to purchase the property pursuant to 83  
division (B) of this section, the board shall conduct a public 84  
auction in the manner required for auctions of district property 85  
under division (A) of section 3313.41 of the Revised Code. Only 86  
the entities that notified the district treasurer pursuant to 87  
division (B) of this section are eligible to bid at the auction. 88

(3) If more than one governing authority of a high- 89  
performing community school notifies the district treasurer in 90  
writing of the intention to lease the property pursuant to 91  
division (B) of this section, the district board shall conduct a 92  
lottery to select from among those governing authorities the one 93  
qualified governing authority to which the district board shall 94  
lease the property. 95

If no such governing authority of a high-performing 96  
community school notifies the district treasurer of its 97  
intention to lease the property pursuant to division (B) of this 98  
section, the board shall then proceed with the offers from all 99  
other start-up community schools, college-preparatory boarding 100  
schools, and STEM schools made pursuant to that division. If 101  
more than one other start-up community school, college- 102  
preparatory boarding school, or STEM school notified the 103  
district treasurer of its intention to lease the property 104  
pursuant to division (B) of this section, the district board 105  
shall conduct a lottery to select from among those parties the 106  
one qualified party to which the district board shall lease the 107

property. 108

(4) The lease price offered by a district board to a 109  
community school, college-preparatory boarding school, or STEM 110  
school under this section shall not be higher than the fair 111  
market value for such a leasehold as determined in an appraisal 112  
that is not more than one year old. 113

On and after the effective date of this amendment, the 114  
district board shall include a clause in a rental or lease 115  
contract entered into under this section with a community school 116  
for the option to terminate the contract if the community school 117  
changes sponsors. 118

(5) If no qualified party offered the property under 119  
division (B) of this section accepts the offer to lease or buy 120  
the property within sixty days after the offer is made, the 121  
district board may offer the property to any other entity in 122  
accordance with divisions (A) to (F) of section 3313.41 of the 123  
Revised Code. 124

(D) Notwithstanding division (B) of this section, a school 125  
district board may renew any agreement it originally entered 126  
into prior to June 30, 2011, to lease real property to an entity 127  
other than a community school, college-preparatory boarding 128  
school, or STEM school. Nothing in this section shall affect the 129  
leasehold arrangements between the district board and that other 130  
entity. 131

(E) (1) Except as provided in division (E) (2) of this 132  
section, the governing authority of a community school, board of 133  
trustees of a college-preparatory boarding school, or governing 134  
body of a STEM school shall not sell any property purchased 135  
under division (B) of this section within five years of 136

purchasing that property.	137
(2) The governing authority, board of trustees, or	138
governing body may sell a property purchased under division (B)	139
of this section within five years of the purchase, only if the	140
governing authority, board of trustees, or governing body sells	141
or transfers that property to another entity described in that	142
division.	143
<b>Section 2.</b> That existing section 3313.411 of the Revised	144
Code is hereby repealed.	145