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Representatives Bulp, Pryor

Cosponsors: Representatives Adams, J., Adams, R., Balderson, Blair, Burke, Daniels, Derickson, Domenick, Fende, Gardner, Grossman, Hackett, Huffman, Jordan, Lehner, Letson, Luckie, Maag, Martin, McGregor, Mecklenborg, Morgan, Murray, Okey, Pillich, Ruhl, Sears, Snitchler, Stebelton, Uecker, Wagner, Williams, B., Yuko, Driehaus, Garland, Gerberry, Harris, Lundy, Moran, Phillips, Weddington, Evans, Hite, Bacon, Boose, Brown, Carney, Combs, DeBose, Dyer, Goyal, Harwood, Mandel, McClain, Patten, Skindell, Slesnick, Winburn, Zehringer
Senators Cates, Schuring, Fedor

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A B I L L

To amend sections 3306.51, 3306.53, 3306.54, 3306.55, 1
3306.58, 3313.603, 3314.028, and 3314.35 and to 2
enact section 3306.59 of the Revised Code to 3
include Junior ROTC as a permitted elective within 4
the Ohio Core curriculum, to permit schools to 5
excuse Junior ROTC students from high school 6
physical education, to clarify the conditions 7
under which a community school must close for poor 8
academic performance, to specify conditions under 9
which certain community schools may obtain new 10
sponsors, to extend the deadline for certain 11
school districts to secure voter approval of bonds 12
and tax levies for the districts' shares of 13
state-assisted classroom facilities projects, to 14
make performance of the Harmon Commission's duties 15

contingent on the availability of funding, and to 16
declare an emergency. 17

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

Section 1. That sections 3306.51, 3306.53, 3306.54, 3306.55, 18
3306.58, 3313.603, 3314.028, and 3314.35 be amended and section 19
3306.59 of the Revised Code be enacted to read as follows: 20

Sec. 3306.51. The Harmon commission shall review and approve 21
or disapprove applications from city, exempted village, and local 22
school districts and community schools established under Chapter 23
3314. of the Revised Code for individual classrooms to be 24
designated as creative learning environments. To be eligible for 25
designation of one or more of its classrooms as a creative 26
learning environment, a community school shall enter into a 27
memorandum of understanding, approved by the department of 28
education, with one or more school districts that specifies a 29
collaborative agreement to share programming and resources to 30
promote successful academic achievement for students and academic 31
and fiscal efficiencies. 32

The commission shall designate a classroom as a creative 33
learning environment if the commission determines that the 34
classroom supports and emphasizes innovation in instruction 35
methods and lesson plans and operates in accordance with the 36
guidelines adopted by the state board of education under section 37
3306.52 of the Revised Code. ~~Beginning July 1, 2010, a~~ A district 38
or community school that has a classroom that is designated a 39
creative learning environment may qualify for a grant or subsidy 40
awarded by the commission under section 3306.58 of the Revised 41
Code. 42

Sec. 3306.53. ~~From January 1, 2010, through April 14, 2010,~~ 43

The superintendent of public instruction shall establish an 44
application period during which a city, exempted village, or local 45
school district and a community school may submit to the Harmon 46
commission an unlimited number of applications for first-time 47
designation of individual classrooms as creative learning 48
environments. ~~No applications may be submitted between April 15,~~ 49
~~2010, and July 1, 2010. After July 1, 2010~~ After that application 50
period, each city, exempted village, or local school district and 51
each eligible community school may submit only one application per 52
fiscal year for first-time designation of one classroom as a 53
creative learning environment. 54

Sec. 3306.54. ~~Not later than the first day of May each year~~ 55
Following the end of the initial application period established 56
under section 3306.53 of the Revised Code, the Harmon commission 57
shall ~~begin meeting~~ meet to review pending applications for 58
first-time designations submitted under ~~that~~ section ~~3306.53 of~~ 59
~~the Revised Code~~. The commission shall approve or disapprove all 60
pending applications ~~by the first day of July~~ not later than two 61
months after the end of the application period. The decision of 62
the commission is final. 63

Sec. 3306.55. (A) The Harmon commission's first-time 64
designation of a classroom as a creative learning environment is 65
valid for ~~one~~ the first full fiscal year following approval of the 66
application under section 3306.54 of the Revised Code. A school 67
district or community school may apply to have the designation 68
renewed. The commission shall renew the designation for the next 69
two fiscal years if the school district or community school 70
applies for the renewal and the commission finds that the 71
classroom continues to meet the guidelines adopted under section 72
3306.52 of the Revised Code. The commission shall not renew the 73

designation if the school district or community school does not 74
apply for renewal or if the commission determines that the 75
classroom no longer meets those guidelines. 76

(B) At the end of a two-year renewal granted under division 77
(A) of this section, and every two fiscal years thereafter, the 78
designation of a classroom as a creative learning environment is 79
automatically renewed, without need for application, for the next 80
two fiscal years, unless the designation is revoked under division 81
(C) of this section. 82

(C) If the department of education at any time finds that the 83
classroom is no longer operating in accordance with the standards 84
adopted under section 3306.52 of the Revised Code, the department 85
shall appeal the designation to the commission not later than the 86
fifteenth day of February. The commission shall review the 87
operation of the classroom and either continue the designation or 88
revoke the designation. A revocation shall take effect on the 89
first day of July following the department's appeal. 90

(D) The decision of the commission under divisions (A) to (C) 91
of this section is final. 92

(E) If the commission does not renew a designation of a 93
classroom under division (A) of this section or revokes that 94
designation under division (C) of this section, the district or 95
community school may reapply for designation of the classroom 96
under section 3306.53 of the Revised Code. That application shall 97
be treated as a new application for first-time designation. 98

Sec. 3306.58. ~~Beginning July 1, 2010, to~~ To the extent the 99
Harmon commission determines that sufficient funds are available, 100
the commission may award grants or stipends to school districts 101
and community schools that have one or more of their classrooms 102
designated as creative learning environments under section 3306.51 103

of the Revised Code. The commission shall adopt procedures for 104
application for and the award of grants or stipends under this 105
section. 106

Sec. 3306.59. Sections 3306.50 to 3306.58 of the Revised Code 107
shall be implemented unless the general assembly does not 108
appropriate funds to perform the duties prescribed by those 109
sections or the superintendent of public instruction determines 110
that sufficient funds are not available for that purpose. 111

Sec. 3313.603. (A) As used in this section: 112

(1) "One unit" means a minimum of one hundred twenty hours of 113
course instruction, except that for a laboratory course, "one 114
unit" means a minimum of one hundred fifty hours of course 115
instruction. 116

(2) "One-half unit" means a minimum of sixty hours of course 117
instruction, except that for physical education courses, "one-half 118
unit" means a minimum of one hundred twenty hours of course 119
instruction. 120

(B) Beginning September 15, 2001, except as required in 121
division (C) of this section and division (C) of section 3313.614 122
of the Revised Code, the requirements for graduation from every 123
high school shall include twenty units earned in grades nine 124
through twelve and shall be distributed as follows: 125

(1) English language arts, four units; 126

(2) Health, one-half unit; 127

(3) Mathematics, three units; 128

(4) Physical education, one-half unit; 129

(5) Science, two units until September 15, 2003, and three 130
units thereafter, which at all times shall include both of the 131

following:	132
(a) Biological sciences, one unit;	133
(b) Physical sciences, one unit.	134
(6) Social studies, three units, which shall include both of	135
the following:	136
(a) American history, one-half unit;	137
(b) American government, one-half unit.	138
(7) Elective units, seven units until September 15, 2003, and	139
six units thereafter.	140
Each student's electives shall include at least one unit, or	141
two half units, chosen from among the areas of	142
business/technology, fine arts, and/or foreign language.	143
(C) Beginning with students who enter ninth grade for the	144
first time on or after July 1, 2010, except as provided in	145
divisions (D) to (F) of this section, the requirements for	146
graduation from every public and chartered nonpublic high school	147
shall include twenty units that are designed to prepare students	148
for the workforce and college. The units shall be distributed as	149
follows:	150
(1) English language arts, four units;	151
(2) Health, one-half unit;	152
(3) Mathematics, four units, which shall include one unit of	153
algebra II or the equivalent of algebra II;	154
(4) Physical education, one-half unit;	155
(5) Science, three units with inquiry-based laboratory	156
experience that engages students in asking valid scientific	157
questions and gathering and analyzing information, which shall	158
include the following, or their equivalent:	159
(a) Physical sciences, one unit;	160

(b) Life sciences, one unit;	161
(c) Advanced study in one or more of the following sciences, one unit:	162 163
(i) Chemistry, physics, or other physical science;	164
(ii) Advanced biology or other life science;	165
(iii) Astronomy, physical geology, or other earth or space science.	166 167
(6) Social studies, three units, which shall include both of the following:	168 169
(a) American history, one-half unit;	170
(b) American government, one-half unit.	171
Each school shall integrate the study of economics and financial literacy, as expressed in the social studies academic content standards adopted by the state board of education under division (A)(1) of section 3301.079 of the Revised Code and the academic content standards for financial literacy and entrepreneurship adopted under division (A)(2) of that section, into one or more existing social studies credits required under division (C)(6) of this section, or into the content of another class, so that every high school student receives instruction in those concepts. In developing the curriculum required by this paragraph, schools shall use available public-private partnerships and resources and materials that exist in business, industry, and through the centers for economics education at institutions of higher education in the state.	172 173 174 175 176 177 178 179 180 181 182 183 184 185
(7) Five units consisting of one or any combination of foreign language, fine arts, business, career-technical education, family and consumer sciences, technology, agricultural education, <u>a junior reserve officer training corps (JROTC) program approved</u> <u>by the congress of the United States under title 10 of the United</u>	186 187 188 189 190

States Code, or English language arts, mathematics, science, or 191
social studies courses not otherwise required under division (C) 192
of this section. 193

Ohioans must be prepared to apply increased knowledge and 194
skills in the workplace and to adapt their knowledge and skills 195
quickly to meet the rapidly changing conditions of the 196
twenty-first century. National studies indicate that all high 197
school graduates need the same academic foundation, regardless of 198
the opportunities they pursue after graduation. The goal of Ohio's 199
system of elementary and secondary education is to prepare all 200
students for and seamlessly connect all students to success in 201
life beyond high school graduation, regardless of whether the next 202
step is entering the workforce, beginning an apprenticeship, 203
engaging in post-secondary training, serving in the military, or 204
pursuing a college degree. 205

The Ohio core curriculum is the standard expectation for all 206
students entering ninth grade for the first time at a public or 207
chartered nonpublic high school on or after July 1, 2010. A 208
student may satisfy this expectation through a variety of methods, 209
including, but not limited to, integrated, applied, 210
career-technical, and traditional coursework. 211

Whereas teacher quality is essential for student success in 212
completing the Ohio core curriculum, the general assembly shall 213
appropriate funds for strategic initiatives designed to strengthen 214
schools' capacities to hire and retain highly qualified teachers 215
in the subject areas required by the curriculum. Such initiatives 216
are expected to require an investment of \$120,000,000 over five 217
years. 218

Stronger coordination between high schools and institutions 219
of higher education is necessary to prepare students for more 220
challenging academic endeavors and to lessen the need for academic 221
remediation in college, thereby reducing the costs of higher 222

education for Ohio's students, families, and the state. The state 223
board of education and the chancellor of the Ohio board of regents 224
shall develop policies to ensure that only in rare instances will 225
students who complete the Ohio core curriculum require academic 226
remediation after high school. 227

School districts, community schools, and chartered nonpublic 228
schools shall integrate technology into learning experiences 229
whenever practicable across the curriculum in order to maximize 230
efficiency, enhance learning, and prepare students for success in 231
the technology-driven twenty-first century. Districts and schools 232
may use distance and web-based course delivery as a method of 233
providing or augmenting all instruction required under this 234
division, including laboratory experience in science. Districts 235
and schools shall whenever practicable utilize technology access 236
and electronic learning opportunities provided by the eTech Ohio 237
commission, the Ohio learning network, education technology 238
centers, public television stations, and other public and private 239
providers. 240

(D) Except as provided in division (E) of this section, a 241
student who enters ninth grade on or after July 1, 2010, and 242
before July 1, 2014, may qualify for graduation from a public or 243
chartered nonpublic high school even though the student has not 244
completed the Ohio core curriculum prescribed in division (C) of 245
this section if all of the following conditions are satisfied: 246

(1) After the student has attended high school for two years, 247
as determined by the school, the student and the student's parent, 248
guardian, or custodian sign and file with the school a written 249
statement asserting the parent's, guardian's, or custodian's 250
consent to the student's graduating without completing the Ohio 251
core curriculum and acknowledging that one consequence of not 252
completing the Ohio core curriculum is ineligibility to enroll in 253
most state universities in Ohio without further coursework. 254

(2) The student and parent, guardian, or custodian fulfill any procedural requirements the school stipulates to ensure the student's and parent's, guardian's, or custodian's informed consent and to facilitate orderly filing of statements under division (D)(1) of this section.

(3) The student and the student's parent, guardian, or custodian and a representative of the student's high school jointly develop an individual career plan for the student that specifies the student matriculating to a two-year degree program, acquiring a business and industry credential, or entering an apprenticeship.

(4) The student's high school provides counseling and support for the student related to the plan developed under division (D)(3) of this section during the remainder of the student's high school experience.

(5) The student successfully completes, at a minimum, the curriculum prescribed in division (B) of this section.

The department of education, in collaboration with the ~~the~~ chancellor of the Ohio board of regents, shall analyze student performance data to determine if there are mitigating factors that warrant extending the exception permitted by division (D) of this section to high school classes beyond those entering ninth grade before July 1, 2014. The department shall submit its findings and any recommendations not later than August 1, 2014, to the speaker and minority leader of the house of representatives, the president and minority leader of the senate, the chairpersons and ranking minority members of the standing committees of the house of representatives and the senate that consider education legislation, the state board of education, and the superintendent of public instruction.

(E) Each school district and chartered nonpublic school

retains the authority to require an even more rigorous minimum 286
curriculum for high school graduation than specified in division 287
(B) or (C) of this section. A school district board of education, 288
through the adoption of a resolution, or the governing authority 289
of a chartered nonpublic school may stipulate any of the 290
following: 291

(1) A minimum high school curriculum that requires more than 292
twenty units of academic credit to graduate; 293

(2) An exception to the district's or school's minimum high 294
school curriculum that is comparable to the exception provided in 295
division (D) of this section but with additional requirements, 296
which may include a requirement that the student successfully 297
complete more than the minimum curriculum prescribed in division 298
(B) of this section; 299

(3) That no exception comparable to that provided in division 300
(D) of this section is available. 301

(F) A student enrolled in a dropout prevention and recovery 302
program, which program has received a waiver from the department 303
of education, may qualify for graduation from high school by 304
successfully completing a competency-based instructional program 305
administered by the dropout prevention and recovery program in 306
lieu of completing the Ohio core curriculum prescribed in division 307
(C) of this section. The department shall grant a waiver to a 308
dropout prevention and recovery program, within sixty days after 309
the program applies for the waiver, if the program meets all of 310
the following conditions: 311

(1) The program serves only students not younger than sixteen 312
years of age and not older than twenty-one years of age. 313

(2) The program enrolls students who, at the time of their 314
initial enrollment, either, or both, are at least one grade level 315
behind their cohort age groups or experience crises that 316

significantly interfere with their academic progress such that 317
they are prevented from continuing their traditional programs. 318

(3) The program requires students to attain at least the 319
applicable score designated for each of the assessments prescribed 320
under division (B)(1) of section 3301.0710 of the Revised Code or, 321
to the extent prescribed by rule of the state board of education 322
under division (E)(6) of section 3301.0712 of the Revised Code, 323
division (B)(2) of that section. 324

(4) The program develops an individual career plan for the 325
student that specifies the student's matriculating to a two-year 326
degree program, acquiring a business and industry credential, or 327
entering an apprenticeship. 328

(5) The program provides counseling and support for the 329
student related to the plan developed under division (F)(4) of 330
this section during the remainder of the student's high school 331
experience. 332

(6) The program requires the student and the student's 333
parent, guardian, or custodian to sign and file, in accordance 334
with procedural requirements stipulated by the program, a written 335
statement asserting the parent's, guardian's, or custodian's 336
consent to the student's graduating without completing the Ohio 337
core curriculum and acknowledging that one consequence of not 338
completing the Ohio core curriculum is ineligibility to enroll in 339
most state universities in Ohio without further coursework. 340

(7) Prior to receiving the waiver, the program has submitted 341
to the department an instructional plan that demonstrates how the 342
academic content standards adopted by the state board of education 343
under section 3301.079 of the Revised Code will be taught and 344
assessed. 345

If the department does not act either to grant the waiver or 346
to reject the program application for the waiver within sixty days 347

as required under this section, the waiver shall be considered to 348
be granted. 349

(G) Every high school may permit students below the ninth 350
grade to take advanced work. If a high school so permits, it shall 351
award high school credit for successful completion of the advanced 352
work and shall count such advanced work toward the graduation 353
requirements of division (B) or (C) of this section if the 354
advanced work was both: 355

(1) Taught by a person who possesses a license or certificate 356
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 357
Code that is valid for teaching high school; 358

(2) Designated by the board of education of the city, local, 359
or exempted village school district, the board of the cooperative 360
education school district, or the governing authority of the 361
chartered nonpublic school as meeting the high school curriculum 362
requirements. 363

Each high school shall record on the student's high school 364
transcript all high school credit awarded under division (G) of 365
this section. In addition, if the student completed a seventh- or 366
eighth-grade fine arts course described in division (K) of this 367
section and the course qualified for high school credit under that 368
division, the high school shall record that course on the 369
student's high school transcript. 370

(H) The department shall make its individual academic career 371
plan available through its Ohio career information system web site 372
for districts and schools to use as a tool for communicating with 373
and providing guidance to students and families in selecting high 374
school courses. 375

(I) Units earned in English language arts, mathematics, 376
science, and social studies that are delivered through integrated 377
academic and career-technical instruction are eligible to meet the 378

graduation requirements of division (B) or (C) of this section. 379

(J) The state board of education, in consultation with the 380
chancellor of the Ohio board of regents, shall adopt a statewide 381
plan implementing methods for students to earn units of high 382
school credit based on a demonstration of subject area competency, 383
instead of or in combination with completing hours of classroom 384
instruction. The state board shall adopt the plan not later than 385
March 31, 2009, and commence phasing in the plan during the 386
2009-2010 school year. The plan shall include a standard method 387
for recording demonstrated proficiency on high school transcripts. 388
Each school district, community school, and chartered nonpublic 389
school shall comply with the state board's plan adopted under this 390
division and award units of high school credit in accordance with 391
the plan. The state board may adopt existing methods for earning 392
high school credit based on a demonstration of subject area 393
competency as necessary prior to the 2009-2010 school year. 394

(K) This division does not apply to students who qualify for 395
graduation from high school under division (D) or (F) of this 396
section, or to students pursuing a career-technical instructional 397
track as determined by the school district board of education or 398
the chartered nonpublic school's governing authority. 399
Nevertheless, the general assembly encourages such students to 400
consider enrolling in a fine arts course as an elective. 401

Beginning with students who enter ninth grade for the first 402
time on or after July 1, 2010, each student enrolled in a public 403
or chartered nonpublic high school shall complete two semesters or 404
the equivalent of fine arts to graduate from high school. The 405
coursework may be completed in any of grades seven to twelve. Each 406
student who completes a fine arts course in grade seven or eight 407
may elect to count that course toward the five units of electives 408
required for graduation under division (C)(7) of this section, if 409
the course satisfied the requirements of division (G) of this 410

section. In that case, the high school shall award the student 411
high school credit for the course and count the course toward the 412
five units required under division (C)(7) of this section. If the 413
course in grade seven or eight did not satisfy the requirements of 414
division (G) of this section, the high school shall not award the 415
student high school credit for the course but shall count the 416
course toward the two semesters or the equivalent of fine arts 417
required by this division. 418

(L) Notwithstanding anything to the contrary in this section, 419
the board of education of each school district and the governing 420
authority of each chartered nonpublic school may adopt a policy to 421
excuse from the high school physical education requirement each 422
student who, during high school, has participated in 423
interscholastic athletics, marching band, or cheerleading for at 424
least two full seasons or in the junior reserve officer training 425
corps for at least two full school years. If the board or 426
authority adopts such a policy, the board or authority shall not 427
require the student to complete any physical education course as a 428
condition to graduate. However, the student shall be required to 429
complete one-half unit, consisting of at least sixty hours of 430
instruction, in another course of study. In the case of a student 431
who has participated in the junior reserve officer training corps 432
for at least two full school years, credit received for that 433
participation may be used to satisfy the requirement to complete 434
one-half unit in another course of study. 435

Sec. 3314.028. (A) Notwithstanding any provision of this 436
chapter to the contrary, beginning in the 2009-2010 school year, a 437
community school that meets the following conditions may operate 438
from the facility in which the school was located in the 2008-2009 439
school year and shall not be required to locate to another school 440
district: 441

~~(A)(1)~~ The school was located in the facility for at least 442
the three school years prior to the 2009-2010 school year. 443

~~(B)(2)~~ The school's sponsor is a school district that is 444
adjacent to the school district in which the school is located. 445

~~(C)(3)~~ The school's education program emphasizes serving 446
students identified as gifted under Chapter 3324. of the Revised 447
Code. 448

~~(D)(4)~~ The school has been rated in need of continuous 449
improvement or higher under section 3302.03 of the Revised Code 450
for the previous three school years. 451

(B) Notwithstanding any provision of this chapter to the 452
contrary, a community school described in division (A) of this 453
section may operate as a conversion school. 454

(C) Notwithstanding any provision of this chapter to the 455
contrary, in accordance with section 3314.03 of the Revised Code, 456
the governing authority of a community school described in 457
division (A) of this section may enter into a contract for the 458
2010-2011 school year and later with a different sponsor that is 459
one of the following entities, provided the school was rated in 460
need of continuous improvement or better under section 3302.03 of 461
the Revised Code for the 2008-2009 school year and the sponsor 462
described in division (A)(2) of this section approves the change 463
in sponsorship: 464

(1) The board of education of a city, exempted village, 465
local, or joint vocational school district; 466

(2) The governing board of an educational service center; 467

(3) A sponsoring authority designated by the board of 468
trustees of a state university listed in section 3345.011 of the 469
Revised Code or the board of trustees itself. 470

Sec. 3314.35. (A)(1) Except as provided in division (A)(3) of 471

this section, this section applies to any community school that 472
meets one of the following criteria after July 1, 2008, but before 473
July 1, 2009: 474

(a) The school does not offer a grade level higher than three 475
and has been declared to be in a state of academic emergency under 476
section 3302.03 of the Revised Code for four consecutive school 477
years. 478

(b) The school satisfies all of the following conditions: 479

(i) The school offers any of grade levels four to eight but 480
does not offer a grade level higher than nine. 481

(ii) The school has been declared to be in a state of 482
academic emergency under section 3302.03 of the Revised Code for 483
three consecutive school years. 484

(iii) For two of those school years, the school showed less 485
than one standard year of academic growth in either reading or 486
mathematics, as determined by the department of education in 487
accordance with rules adopted under division (A) of section 488
3302.021 of the Revised Code. 489

(c) The school satisfies all of the following conditions: 490

(i) The school offers any of grade levels ten to twelve. 491

(ii) The school has been declared to be in a state of 492
academic emergency under section 3302.03 of the Revised Code for 493
three consecutive school years. 494

(iii) For two of those school years, the school showed less 495
than two standard years of academic growth in either reading or 496
mathematics, as determined by the department in accordance with 497
rules adopted under division (A) of section 3302.021 of the 498
Revised Code. 499

(2) Except as provided in division (A)(3) of this section, 500

this section applies to any community school that meets one of the 501
following criteria after July 1, 2009: 502

(a) The school does not offer a grade level higher than three 503
and has been declared to be in a state of academic emergency under 504
section 3302.03 of the Revised Code for three of the four most 505
recent school years. 506

(b) The school satisfies all of the following conditions: 507

(i) The school offers any of grade levels four to eight but 508
does not offer a grade level higher than nine. 509

(ii) The school has been declared to be in a state of 510
academic emergency under section 3302.03 of the Revised Code for 511
two of the three most recent school years. 512

(iii) In at least two of the three most recent school years, 513
the school showed less than one standard year of academic growth 514
in either reading or mathematics, as determined by the department 515
in accordance with rules adopted under division (A) of section 516
3302.021 of the Revised Code. 517

(c) The school offers any of grade levels ten to twelve and 518
has been declared to be in a state of academic emergency under 519
section 3302.03 of the Revised Code for three of the four most 520
recent school years. 521

(3) This section does not apply to either of the following: 522

(a) Any community school in which a majority of the students 523
are enrolled in a dropout prevention and recovery program that is 524
operated by the school and that has been granted a waiver under 525
section 3314.36 of the Revised Code; 526

(b) Any community school in which a majority of the enrolled 527
students are children with disabilities receiving special 528
education and related services in accordance with Chapter 3323. of 529
the Revised Code. 530

(B) Any community school to which this section applies shall 531
permanently close at the conclusion of the school year in which 532
the school first becomes subject to this section. The sponsor and 533
governing authority of the school shall comply with all procedures 534
for closing a community school adopted by the department under 535
division (E) of section 3314.015 of the Revised Code. The 536
governing authority of the school shall not enter into a contract 537
with any other sponsor under section 3314.03 of the Revised Code 538
after the school closes. 539

(C) Not later than July 1, 2008, the department shall 540
determine the feasibility of using the value-added progress 541
dimension, as defined in section 3302.01 of the Revised Code, as a 542
factor in evaluating the academic performance of community schools 543
described in division (A)(1)(c)(i) of this section. 544
Notwithstanding divisions (A)(1)(c)(ii) and (iii) of this section, 545
if the department determines that using the value-added progress 546
dimension to evaluate community schools described in division 547
(A)(1)(c)(i) of this section is not feasible, a community school 548
described in that division shall be required to permanently close 549
under this section only if it has been declared to be in a state 550
of academic emergency under section 3302.03 of the Revised Code 551
for four consecutive school years. 552

(D) In accordance with division (B) of section 3314.012 of 553
the Revised Code, the department shall not consider the 554
performance ratings assigned to a community school for its first 555
two years of operation when determining whether the school meets 556
the criteria prescribed by division (A)(2) of this section. The 557
department shall reevaluate each community school that the 558
department directed to close at the conclusion of the 2009-2010 559
school year to determine if the school still meets the criteria 560
prescribed by division (A)(2) of this section when the school's 561
performance ratings for its first two years of operation are not 562

considered and, if the school no longer meets those criteria, the 563
department shall not require the school to close at the conclusion 564
of that school year. 565

Section 2. That existing sections 3306.51, 3306.53, 3306.54, 566
3306.55, 3306.58, 3313.603, 3314.028, and 3314.35 of the Revised 567
Code are hereby repealed. 568

Section 3. (A) This section applies to any school district 569
for which the following conditions are satisfied: 570

(1) In 2009, the Ohio School Facilities Commission allocated 571
to the district a share of qualified school construction bonds 572
under Division B, Title I, Subtitle F, Part III, Section 1521 of 573
the American Recovery and Reinvestment Act of 2009, 26 U.S.C. 54F, 574
in the group of districts designated by the Commission as "Pool 575
B." 576

(2) The district is undertaking a classroom facilities 577
project under sections 3318.01 to 3318.20 of the Revised Code, 578
which project was conditionally approved by the Commission between 579
July 1, 2008, and July 31, 2009. 580

(3) The district requested approval for the issuance of bonds 581
and related tax levies to pay the district's portion of the cost 582
of the project described in division (A)(2) of this section in a 583
question submitted to the district's electors at an election held 584
on November 3, 2009, and the electors disapproved the issuance of 585
those bonds and the related tax levies by a margin of less than 586
three per cent of the total votes cast on that question. 587

(B) Notwithstanding anything to the contrary in section 588
3318.05 of the Revised Code, and notwithstanding Section 385.70 of 589
Am. Sub. H.B. 1 of the 128th General Assembly, for each school 590
district to which this section applies and whose project was 591
conditionally approved in July 2008, the conditional approval of 592

the district's project described in division (A)(2) of this 593
section shall lapse and the amount reserved and encumbered for the 594
project shall be released on June 30, 2010, unless the district 595
electors prior to that date approve the issuance of bonds and the 596
related tax levies to pay the district's portion of the cost of 597
the district's project. If the project lapses under Section 385.70 598
of Am. Sub. H.B. 1 of the 128th General Assembly prior to the 599
effective date of this section, the Commission shall treat that 600
project as if it had not lapsed. Thereafter, the project shall be 601
subject to the lapse provision prescribed in this division. 602

(C) Notwithstanding anything to the contrary in section 603
3318.05 of the Revised Code, for each school district to which 604
this section applies and whose project was conditionally approved 605
between August 1, 2008, and July 31, 2009, the conditional 606
approval of the district's project described in division (A)(2) of 607
this section shall lapse and the amount reserved and encumbered 608
for the project shall be released on December 31, 2010, unless the 609
district electors prior to that date approve the issuance of bonds 610
and the related tax levies to pay the district's portion of the 611
cost of the district's project. If the project lapses under 612
section 3318.05 of the Revised Code prior to the effective date of 613
this section, the Commission shall treat that project as if it had 614
not lapsed. Thereafter, the project shall be subject to the lapse 615
provision prescribed in this division. 616

(D) If the conditional approval for a district's project 617
under sections 3318.01 to 3318.20 of the Revised Code lapses and 618
the amount reserved and encumbered for the project is released on 619
the applicable date prescribed by this section, after that date, 620
the district shall be given first priority for project funding as 621
such funding becomes available in accordance with section 3318.05 622
of the Revised Code. 623

Section 4. This act is hereby declared to be an emergency 624
measure necessary for the immediate preservation of the public 625
peace, health, and safety. The reason for such necessity is to 626
provide school districts using federally qualified school 627
construction bonds additional time to secure voter approval for 628
state-assisted classroom facilities projects without an 629
intervening lapse of project conditional approval. Therefore, this 630
act shall go into immediate effect. 631