

## As Introduced

129th General Assembly  
Regular Session  
2011-2012

H. B. No. 506

Representatives Williams, Amstutz

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### A BILL

To amend sections 124.36, 2903.13, 2921.02, 3302.03, 1  
3302.04, 3302.061, 3307.01, 3311.71, 3311.72, 2  
3311.74, 3311.76, 3313.41, 3313.411, 3313.975, 3  
3314.012, 3314.016, 3314.10, 3314.35, 3314.36, 4  
3316.07, 3318.08, 3319.02, 3319.071, 3319.10, 5  
3319.112, 3319.12, 3319.13, 3319.14, 3319.141, 6  
3319.143, 3319.151, 3319.18, 3319.283, 4141.29, 7  
5705.192, 5705.21, 5705.212, 5705.215, 5705.216, 8  
5705.218, 5705.261, and 5748.01 and to enact 9  
sections 3311.77 to 3311.86, 3313.412, 3314.351, 10  
and 4117.25 of the Revised Code to revise the 11  
management of municipal school districts and 12  
community schools located within municipal school 13  
districts; to require municipal school districts 14  
and unions to negotiate a new collective 15  
bargaining agreement as if no previous agreement 16  
existed for one bargaining cycle; to permit the 17  
establishment of a Municipal School District 18  
Transformation Alliance; to expand the offense of 19  
bribery to cover directors, officers, and 20  
employees of the Alliance; and to authorize 21  
municipal school districts to levy property taxes 22  
the revenue from which may be shared with 23  
qualifying community schools. 24

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

**Section 1.** That sections 124.36, 2903.13, 2921.02, 3302.03, 25  
3302.04, 3302.061, 3307.01, 3311.71, 3311.72, 3311.74, 3311.76, 26  
3313.41, 3313.411, 3313.975, 3314.012, 3314.016, 3314.10, 3314.35, 27  
3314.36, 3316.07, 3318.08, 3319.02, 3319.071, 3319.10, 3319.112, 28  
3319.12, 3319.13, 3319.14, 3319.141, 3319.143, 3319.151, 3319.18, 29  
3319.283, 4141.29, 5705.192, 5705.21, 5705.212, 5705.215, 30  
5705.216, 5705.218, 5705.261, and 5748.01 be amended and sections 31  
3311.77, 3311.78, 3311.79, 3311.80, 3311.81, 3311.82, 3311.83, 32  
3311.84, 3311.85, 3311.86, 3313.412, 3314.351, and 4117.25 of the 33  
Revised Code be enacted to read as follows: 34

**Sec. 124.36.** It shall be sufficient cause for the removal of 35  
any public employees including teachers in the public schools or 36  
any state supported educational institution when such public 37  
employee or teacher advocates or willfully retains membership in 38  
an organization which advocates overthrow of the government of the 39  
United States or of the state, by force, violence or other 40  
unlawful means. 41

The procedure for the termination of a contract of a teacher 42  
under the provisions of this section shall be in the manner set 43  
forth in section 3311.82 or 3319.16 of the Revised Code. The 44  
procedure for the removal of all other public employees under the 45  
provisions of this section shall be the same as is provided in 46  
section 124.34 of the Revised Code, except that the decision of 47  
the state personnel board of review or the municipal civil service 48  
commission shall be subject to appeal to the court of common pleas 49  
of the county in which such public employees are employed to 50  
determine the sufficiency of the cause of removal. Such appeal 51  
shall be taken within ten days from the finding of the board or 52  
commission. 53

Sec. 2903.13. (A) No person shall knowingly cause or attempt 54  
to cause physical harm to another or to another's unborn. 55

(B) No person shall recklessly cause serious physical harm to 56  
another or to another's unborn. 57

(C) Whoever violates this section is guilty of assault, and 58  
the court shall sentence the offender as provided in this division 59  
and divisions (C)(1), (2), (3), (4), (5), and (6) of this section. 60  
Except as otherwise provided in division (C)(1), (2), (3), (4), or 61  
(5) of this section, assault is a misdemeanor of the first degree. 62

(1) Except as otherwise provided in this division, if the 63  
offense is committed by a caretaker against a functionally 64  
impaired person under the caretaker's care, assault is a felony of 65  
the fourth degree. If the offense is committed by a caretaker 66  
against a functionally impaired person under the caretaker's care, 67  
if the offender previously has been convicted of or pleaded guilty 68  
to a violation of this section or section 2903.11 or 2903.16 of 69  
the Revised Code, and if in relation to the previous conviction 70  
the offender was a caretaker and the victim was a functionally 71  
impaired person under the offender's care, assault is a felony of 72  
the third degree. 73

(2) If the offense is committed in any of the following 74  
circumstances, assault is a felony of the fifth degree: 75

(a) The offense occurs in or on the grounds of a state 76  
correctional institution or an institution of the department of 77  
youth services, the victim of the offense is an employee of the 78  
department of rehabilitation and correction, the department of 79  
youth services, or a probation department or is on the premises of 80  
the particular institution for business purposes or as a visitor, 81  
and the offense is committed by a person incarcerated in the state 82  
correctional institution, by a person institutionalized in the 83  
department of youth services institution pursuant to a commitment 84

to the department of youth services, by a parolee, by an offender 85  
under transitional control, under a community control sanction, or 86  
on an escorted visit, by a person under post-release control, or 87  
by an offender under any other type of supervision by a government 88  
agency. 89

(b) The offense occurs in or on the grounds of a local 90  
correctional facility, the victim of the offense is an employee of 91  
the local correctional facility or a probation department or is on 92  
the premises of the facility for business purposes or as a 93  
visitor, and the offense is committed by a person who is under 94  
custody in the facility subsequent to the person's arrest for any 95  
crime or delinquent act, subsequent to the person's being charged 96  
with or convicted of any crime, or subsequent to the person's 97  
being alleged to be or adjudicated a delinquent child. 98

(c) The offense occurs off the grounds of a state 99  
correctional institution and off the grounds of an institution of 100  
the department of youth services, the victim of the offense is an 101  
employee of the department of rehabilitation and correction, the 102  
department of youth services, or a probation department, the 103  
offense occurs during the employee's official work hours and while 104  
the employee is engaged in official work responsibilities, and the 105  
offense is committed by a person incarcerated in a state 106  
correctional institution or institutionalized in the department of 107  
youth services who temporarily is outside of the institution for 108  
any purpose, by a parolee, by an offender under transitional 109  
control, under a community control sanction, or on an escorted 110  
visit, by a person under post-release control, or by an offender 111  
under any other type of supervision by a government agency. 112

(d) The offense occurs off the grounds of a local 113  
correctional facility, the victim of the offense is an employee of 114  
the local correctional facility or a probation department, the 115  
offense occurs during the employee's official work hours and while 116

the employee is engaged in official work responsibilities, and the 117  
offense is committed by a person who is under custody in the 118  
facility subsequent to the person's arrest for any crime or 119  
delinquent act, subsequent to the person being charged with or 120  
convicted of any crime, or subsequent to the person being alleged 121  
to be or adjudicated a delinquent child and who temporarily is 122  
outside of the facility for any purpose or by a parolee, by an 123  
offender under transitional control, under a community control 124  
sanction, or on an escorted visit, by a person under post-release 125  
control, or by an offender under any other type of supervision by 126  
a government agency. 127

(e) The victim of the offense is a school teacher or 128  
administrator or a school bus operator, and the offense occurs in 129  
a school, on school premises, in a school building, on a school 130  
bus, or while the victim is outside of school premises or a school 131  
bus and is engaged in duties or official responsibilities 132  
associated with the victim's employment or position as a school 133  
teacher or administrator or a school bus operator, including, but 134  
not limited to, driving, accompanying, or chaperoning students at 135  
or on class or field trips, athletic events, or other school 136  
extracurricular activities or functions outside of school 137  
premises. 138

(3) If the victim of the offense is a peace officer or an 139  
investigator of the bureau of criminal identification and 140  
investigation, a firefighter, or a person performing emergency 141  
medical service, while in the performance of their official 142  
duties, assault is a felony of the fourth degree. 143

(4) If the victim of the offense is a peace officer or an 144  
investigator of the bureau of criminal identification and 145  
investigation and if the victim suffered serious physical harm as 146  
a result of the commission of the offense, assault is a felony of 147  
the fourth degree, and the court, pursuant to division (F) of 148

section 2929.13 of the Revised Code, shall impose as a mandatory 149  
prison term one of the prison terms prescribed for a felony of the 150  
fourth degree that is at least twelve months in duration. 151

(5) If the victim of the offense is an officer or employee of 152  
a public children services agency or a private child placing 153  
agency and the offense relates to the officer's or employee's 154  
performance or anticipated performance of official 155  
responsibilities or duties, assault is either a felony of the 156  
fifth degree or, if the offender previously has been convicted of 157  
or pleaded guilty to an offense of violence, the victim of that 158  
prior offense was an officer or employee of a public children 159  
services agency or private child placing agency, and that prior 160  
offense related to the officer's or employee's performance or 161  
anticipated performance of official responsibilities or duties, a 162  
felony of the fourth degree. 163

(6) If an offender who is convicted of or pleads guilty to 164  
assault when it is a misdemeanor also is convicted of or pleads 165  
guilty to a specification as described in section 2941.1423 of the 166  
Revised Code that was included in the indictment, count in the 167  
indictment, or information charging the offense, the court shall 168  
sentence the offender to a mandatory jail term as provided in 169  
division (G) of section 2929.24 of the Revised Code. 170

If an offender who is convicted of or pleads guilty to 171  
assault when it is a felony also is convicted of or pleads guilty 172  
to a specification as described in section 2941.1423 of the 173  
Revised Code that was included in the indictment, count in the 174  
indictment, or information charging the offense, except as 175  
otherwise provided in division (C)(4) of this section, the court 176  
shall sentence the offender to a mandatory prison term as provided 177  
in division (B)(8) of section 2929.14 of the Revised Code. 178

(D) As used in this section: 179

(1) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	180 181
(2) "Firefighter" has the same meaning as in section 3937.41 of the Revised Code.	182 183
(3) "Emergency medical service" has the same meaning as in section 4765.01 of the Revised Code.	184 185
(4) "Local correctional facility" means a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, a minimum security jail established under section 341.23 or 753.21 of the Revised Code, or another county, multicounty, municipal, municipal-county, or multicounty-municipal facility used for the custody of persons arrested for any crime or delinquent act, persons charged with or convicted of any crime, or persons alleged to be or adjudicated a delinquent child.	186 187 188 189 190 191 192 193
(5) "Employee of a local correctional facility" means a person who is an employee of the political subdivision or of one or more of the affiliated political subdivisions that operates the local correctional facility and who operates or assists in the operation of the facility.	194 195 196 197 198
(6) "School teacher or administrator" means either of the following:	199 200
(a) A person who is employed in the public schools of the state under a contract described in section <u>3311.77</u> or 3319.08 of the Revised Code in a position in which the person is required to have a certificate issued pursuant to sections 3319.22 to 3319.311 of the Revised Code.	201 202 203 204 205
(b) A person who is employed by a nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code and who is certificated in accordance with section 3301.071 of the Revised Code.	206 207 208 209

(7) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. 210  
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(8) "Escorted visit" means an escorted visit granted under section 2967.27 of the Revised Code. 212  
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(9) "Post-release control" and "transitional control" have the same meanings as in section 2967.01 of the Revised Code. 214  
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(10) "Investigator of the bureau of criminal identification and investigation" has the same meaning as in section 2903.11 of the Revised Code. 216  
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**Sec. 2921.02.** (A) No person, with purpose to corrupt a public servant or party official, or improperly to influence ~~him~~ a public servant or party official with respect to the discharge of ~~his~~ the public servant's or party official's duty, whether before or after ~~he~~ the public servant or party official is elected, appointed, qualified, employed, summoned, or sworn, shall promise, offer, or give any valuable thing or valuable benefit. 219  
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(B) No person, either before or after ~~he~~ the person is elected, appointed, qualified, employed, summoned, or sworn as a public servant or party official, shall knowingly solicit or accept for ~~himself~~ self or another person any valuable thing or valuable benefit to corrupt or improperly influence ~~him~~ the person or another public servant or party official with respect to the discharge of ~~his~~ the person's or the other public servant's or party official's duty. 226  
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(C) No person, with purpose to corrupt a witness or improperly to influence ~~him~~ a witness with respect to ~~his~~ the witness's testimony in an official proceeding, either before or after ~~he~~ the witness is subpoenaed or sworn, shall promise, offer, or give ~~him~~ the witness or another person any valuable thing or valuable benefit. 234  
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(D) No person, either before or after ~~he~~ the person is 240  
subpoenaed or sworn as a witness, shall knowingly solicit or 241  
accept for ~~himself~~ self or another person any valuable thing or 242  
valuable benefit to corrupt or improperly influence ~~him~~ self or 243  
another person with respect to ~~his~~ testimony given in an official 244  
proceeding. 245

(E) No person, with purpose to corrupt a director, officer, 246  
or employee of a municipal school district transformation alliance 247  
established under section 3311.86 of the Revised Code, or 248  
improperly to influence a director, officer, or employee of a 249  
municipal school district transformation alliance with respect to 250  
the discharge of the director's, officer's, or employee's duties, 251  
whether before or after the director, officer, or employee is 252  
appointed or employed, shall promise, offer, or give the director, 253  
officer, or employee any valuable thing or valuable benefit. 254

(F) No person, either before or after the person is appointed 255  
or employed as a director, officer, or employee of a municipal 256  
school district transformation alliance established under section 257  
3311.86 of the Revised Code, shall knowingly solicit or accept for 258  
self or another person any valuable thing or valuable benefit to 259  
corrupt or improperly influence the person or another director, 260  
officer, or employee of a municipal school district transformation 261  
alliance with respect to the discharge of the person's or other 262  
director's, officer's, or employee's duties. 263

(G) Whoever violates this section is guilty of bribery, a 264  
felony of the third degree. 265

~~(F)~~(H) A public servant or party official, or director, 266  
officer, or employee of a municipal school district transformation 267  
alliance established under section 3311.86 of the Revised Code, 268  
who is convicted of bribery is forever disqualified from holding 269  
any public office, employment, or position of trust in this state. 270

Sec. 3302.03. (A) Annually the department of education shall	271
report for each school district and each school building in a	272
district all of the following:	273
(1) The extent to which the school district or building meets	274
each of the applicable performance indicators created by the state	275
board of education under section 3302.02 of the Revised Code and	276
the number of applicable performance indicators that have been	277
achieved;	278
(2) The performance index score of the school district or	279
building;	280
(3) Whether the school district or building has made adequate	281
yearly progress;	282
(4) Whether the school district or building is excellent,	283
effective, needs continuous improvement, is under an academic	284
watch, or is in a state of academic emergency.	285
(B) Except as otherwise provided in division (B)(6) of this	286
section:	287
(1) A school district or building shall be declared excellent	288
if it meets at least ninety-four per cent of the applicable state	289
performance indicators or has a performance index score	290
established by the department, except that if it does not make	291
adequate yearly progress for two or more of the same subgroups for	292
three or more consecutive years, it shall be declared effective.	293
(2) A school district or building shall be declared effective	294
if it meets at least seventy-five per cent but less than	295
ninety-four per cent of the applicable state performance	296
indicators or has a performance index score established by the	297
department, except that if it does not make adequate yearly	298
progress for two or more of the same subgroups for three or more	299
consecutive years, it shall be declared in need of continuous	300

improvement. 301

(3) A school district or building shall be declared to be in 302  
need of continuous improvement if it fulfills one of the following 303  
requirements: 304

(a) It makes adequate yearly progress, meets less than 305  
seventy-five per cent of the applicable state performance 306  
indicators, and has a performance index score established by the 307  
department. 308

(b) It does not make adequate yearly progress and either 309  
meets at least fifty per cent but less than seventy-five per cent 310  
of the applicable state performance indicators or has a 311  
performance index score established by the department. 312

(4) A school district or building shall be declared to be 313  
under an academic watch if it does not make adequate yearly 314  
progress and either meets at least thirty-one per cent but less 315  
than fifty per cent of the applicable state performance indicators 316  
or has a performance index score established by the department. 317

(5) A school district or building shall be declared to be in 318  
a state of academic emergency if it does not make adequate yearly 319  
progress, does not meet at least thirty-one per cent of the 320  
applicable state performance indicators, and has a performance 321  
index score established by the department. 322

(6) Division (B)(6) of this section does not apply to any 323  
community school established under Chapter 3314. of the Revised 324  
Code in which a majority of the students are enrolled in a dropout 325  
prevention and recovery program. 326

A school district or building shall not be assigned a higher 327  
performance rating than in need of continuous improvement if at 328  
least ten per cent but not more than fifteen per cent of the 329  
enrolled students do not take all achievement assessments 330  
prescribed for their grade level under division (A)(1) or (B)(1) 331

of section 3301.0710 of the Revised Code from which they are not 332  
excused pursuant to division (C)(1) or (3) of section 3301.0711 of 333  
the Revised Code. A school district or building shall not be 334  
assigned a higher performance rating than under an academic watch 335  
if more than fifteen per cent but not more than twenty per cent of 336  
the enrolled students do not take all achievement assessments 337  
prescribed for their grade level under division (A)(1) or (B)(1) 338  
of section 3301.0710 of the Revised Code from which they are not 339  
excused pursuant to division (C)(1) or (3) of section 3301.0711 of 340  
the Revised Code. A school district or building shall not be 341  
assigned a higher performance rating than in a state of academic 342  
emergency if more than twenty per cent of the enrolled students do 343  
not take all achievement assessments prescribed for their grade 344  
level under division (A)(1) or (B)(1) of section 3301.0710 of the 345  
Revised Code from which they are not excused pursuant to division 346  
(C)(1) or (3) of section 3301.0711 of the Revised Code. 347

(C)(1) The department shall issue annual report cards for 348  
each school district, each building within each district, and for 349  
the state as a whole reflecting performance on the indicators 350  
created by the state board under section 3302.02 of the Revised 351  
Code, the performance index score, and adequate yearly progress. 352

(2) The department shall include on the report card for each 353  
district information pertaining to any change from the previous 354  
year made by the school district or school buildings within the 355  
district on any performance indicator. 356

(3) When reporting data on student performance, the 357  
department shall disaggregate that data according to the following 358  
categories: 359

(a) Performance of students by age group; 360

(b) Performance of students by race and ethnic group; 361

(c) Performance of students by gender; 362

(d) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	363 364
(e) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	365 366 367
(f) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	368 369
(g) Performance of students grouped by those who are economically disadvantaged;	370 371
(h) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	372 373 374
(i) Performance of students grouped by those who are classified as limited English proficient;	375 376
(j) Performance of students grouped by those who have disabilities;	377 378
(k) Performance of students grouped by those who are classified as migrants;	379 380
(l) Performance of students grouped by those who are identified as gifted pursuant to Chapter 3324. of the Revised Code.	381 382 383
The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the department shall disaggregate data on student performance according to any combinations of two or more of the categories listed in divisions (C)(3)(a) to (l) of this section that it deems relevant.	384 385 386 387 388 389
In reporting data pursuant to division (C)(3) of this section, the department shall not include in the report cards any data statistical in nature that is statistically unreliable or	390 391 392

that could result in the identification of individual students. 393  
For this purpose, the department shall not report student 394  
performance data for any group identified in division (C)(3) of 395  
this section that contains less than ten students. 396

(4) The department may include with the report cards any 397  
additional education and fiscal performance data it deems 398  
valuable. 399

(5) The department shall include on each report card a list 400  
of additional information collected by the department that is 401  
available regarding the district or building for which the report 402  
card is issued. When available, such additional information shall 403  
include student mobility data disaggregated by race and 404  
socioeconomic status, college enrollment data, and the reports 405  
prepared under section 3302.031 of the Revised Code. 406

The department shall maintain a site on the world wide web. 407  
The report card shall include the address of the site and shall 408  
specify that such additional information is available to the 409  
public at that site. The department shall also provide a copy of 410  
each item on the list to the superintendent of each school 411  
district. The district superintendent shall provide a copy of any 412  
item on the list to anyone who requests it. 413

~~(6)(a) This division~~ Division (C)(6) of this section does not 414  
apply to conversion community schools that primarily enroll 415  
students between sixteen and twenty-two years of age who dropped 416  
out of high school or are at risk of dropping out of high school 417  
due to poor attendance, disciplinary problems, or suspensions. 418

(a) For any district that sponsors a conversion community 419  
school under Chapter 3314. of the Revised Code, the department 420  
shall combine data regarding the academic performance of students 421  
enrolled in the community school with comparable data from the 422  
schools of the district for the purpose of calculating the 423

performance of the district as a whole on the report card issued 424  
for the district. 425

(b) Any district that leases a building to a community school 426  
located in the district or that enters into an agreement with a 427  
community school located in the district whereby the district and 428  
the school endorse each other's programs may elect to have data 429  
regarding the academic performance of students enrolled in the 430  
community school combined with comparable data from the schools of 431  
the district for the purpose of calculating the performance of the 432  
district as a whole on the district report card. Any district that 433  
so elects shall annually file a copy of the lease or agreement 434  
with the department. 435

(c) Any municipal school district, as defined in section 436  
3311.71 of the Revised Code, that sponsors, provides services to, 437  
or leases a building to a start-up or conversion community school 438  
located within the district's territory, or that enters into an 439  
agreement with a community school located within the district's 440  
territory whereby the district and the community school endorse 441  
each other's programs, may elect (i) to have data regarding the 442  
academic performance of students enrolled in the community school 443  
combined with comparable data from the schools of the district for 444  
the purpose of calculating the performance of the district as a 445  
whole on the district's report card and (ii) to have the students 446  
attending the community school included in the district's average 447  
daily student enrollment as reported in the district's report 448  
card. Any district that so elects shall annually file with the 449  
department a copy of the lease or agreement and other 450  
documentation indicating eligibility for that election, as 451  
required by the department. 452

(7) The department shall include on each report card the 453  
percentage of teachers in the district or building who are highly 454  
qualified, as defined by the "No Child Left Behind Act of 2001," 455

and a comparison of that percentage with the percentages of such 456  
teachers in similar districts and buildings. 457

(8) The department shall include on the report card the 458  
number of lead teachers employed by each district and each 459  
building once the data is available from the education management 460  
information system established under section 3301.0714 of the 461  
Revised Code. 462

(D)(1) In calculating English language arts, mathematics, 463  
social studies, or science assessment passage rates used to 464  
determine school district or building performance under this 465  
section, the department shall include all students taking an 466  
assessment with accommodation or to whom an alternate assessment 467  
is administered pursuant to division (C)(1) or (3) of section 468  
3301.0711 of the Revised Code. 469

(2) In calculating performance index scores, rates of 470  
achievement on the performance indicators established by the state 471  
board under section 3302.02 of the Revised Code, and adequate 472  
yearly progress for school districts and buildings under this 473  
section, the department shall do all of the following: 474

(a) Include for each district or building only those students 475  
who are included in the ADM certified for the first full school 476  
week of October and are continuously enrolled in the district or 477  
building through the time of the spring administration of any 478  
assessment prescribed by division (A)(1) or (B)(1) of section 479  
3301.0710 of the Revised Code that is administered to the 480  
student's grade level; 481

(b) Include cumulative totals from both the fall and spring 482  
administrations of the third grade English language arts 483  
achievement assessment; 484

(c) Except as required by the "No Child Left Behind Act of 485  
2001" for the calculation of adequate yearly progress, exclude for 486



each district or building any limited English proficient student 487  
who has been enrolled in United States schools for less than one 488  
full school year. 489

**Sec. 3302.04.** (A) The department of education shall establish 490  
a system of intensive, ongoing support for the improvement of 491  
school districts and school buildings. In accordance with the 492  
model of differentiated accountability described in section 493  
3302.041 of the Revised Code, the system shall give priority to 494  
districts and buildings that have been declared to be under an 495  
academic watch or in a state of academic emergency under section 496  
3302.03 of the Revised Code and shall include services provided to 497  
districts and buildings through regional service providers, such 498  
as educational service centers. 499

(B) This division does not apply to any school district after 500  
June 30, 2008. 501

When a school district has been notified by the department 502  
pursuant to division (A) of section 3302.03 of the Revised Code 503  
that the district or a building within the district has failed to 504  
make adequate yearly progress for two consecutive school years, 505  
the district shall develop a three-year continuous improvement 506  
plan for the district or building containing each of the 507  
following: 508

(1) An analysis of the reasons for the failure of the 509  
district or building to meet any of the applicable performance 510  
indicators established under section 3302.02 of the Revised Code 511  
that it did not meet and an analysis of the reasons for its 512  
failure to make adequate yearly progress; 513

(2) Specific strategies that the district or building will 514  
use to address the problems in academic achievement identified in 515  
division (B)(1) of this section; 516

(3) Identification of the resources that the district will allocate toward improving the academic achievement of the district or building;

(4) A description of any progress that the district or building made in the preceding year toward improving its academic achievement;

(5) An analysis of how the district is utilizing the professional development standards adopted by the state board pursuant to section 3319.61 of the Revised Code;

(6) Strategies that the district or building will use to improve the cultural competency, as defined pursuant to section 3319.61 of the Revised Code, of teachers and other educators.

No three-year continuous improvement plan shall be developed or adopted pursuant to this division unless at least one public hearing is held within the affected school district or building concerning the final draft of the plan. Notice of the hearing shall be given two weeks prior to the hearing by publication in one newspaper of general circulation within the territory of the affected school district or building. Copies of the plan shall be made available to the public.

(C) When a school district or building has been notified by the department pursuant to division (A) of section 3302.03 of the Revised Code that the district or building is under an academic watch or in a state of academic emergency, the district or building shall be subject to any rules establishing intervention in academic watch or emergency school districts or buildings.

(D)(1) Within one hundred twenty days after any school district or building is declared to be in a state of academic emergency under section 3302.03 of the Revised Code, the department may initiate a site evaluation of the building or school district.

(2) Division (D)(2) of this section does not apply to any school district after June 30, 2008.

If any school district that is declared to be in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code or encompasses a building that is declared to be in a state of academic emergency or in a state of academic watch fails to demonstrate to the department satisfactory improvement of the district or applicable buildings or fails to submit to the department any information required under rules established by the state board of education, prior to approving a three-year continuous improvement plan under rules established by the state board of education, the department shall conduct a site evaluation of the school district or applicable buildings to determine whether the school district is in compliance with minimum standards established by law or rule.

(3) Site evaluations conducted under divisions (D)(1) and (2) of this section shall include, but not be limited to, the following:

(a) Determining whether teachers are assigned to subject areas for which they are licensed or certified;

(b) Determining pupil-teacher ratios;

(c) Examination of compliance with minimum instruction time requirements for each school day and for each school year;

(d) Determining whether materials and equipment necessary to implement the curriculum approved by the school district board are available;

(e) Examination of whether the teacher and principal evaluation systems comply with sections 3311.80, 3311.84, 3319.02, and 3319.111 of the Revised Code;

(f) Examination of the adequacy of efforts to improve the

cultural competency, as defined pursuant to section 3319.61 of the Revised Code, of teachers and other educators.

(E) This division applies only to school districts that operate a school building that fails to make adequate yearly progress for two or more consecutive school years. It does not apply to any such district after June 30, 2008, except as provided in division (D)(2) of section 3313.97 of the Revised Code.

(1) For any school building that fails to make adequate yearly progress for two consecutive school years, the district shall do all of the following:

(a) Provide written notification of the academic issues that resulted in the building's failure to make adequate yearly progress to the parent or guardian of each student enrolled in the building. The notification shall also describe the actions being taken by the district or building to improve the academic performance of the building and any progress achieved toward that goal in the immediately preceding school year.

(b) If the building receives funds under Title 1, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, from the district, in accordance with section 3313.97 of the Revised Code, offer all students enrolled in the building the opportunity to enroll in an alternative building within the district that is not in school improvement status as defined by the "No Child Left Behind Act of 2001." Notwithstanding Chapter 3327. of the Revised Code, the district shall spend an amount equal to twenty per cent of the funds it receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide transportation for students who enroll in alternative buildings under this division, unless the district can satisfy all demand for transportation with a lesser amount. If an amount equal to twenty per cent of the funds the district receives under Title I, Part A of the

"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 610  
to 6339, is insufficient to satisfy all demand for transportation, 611  
the district shall grant priority over all other students to the 612  
lowest achieving students among the subgroup described in division 613  
(B)(3) of section 3302.01 of the Revised Code in providing 614  
transportation. Any district that does not receive funds under 615  
Title I, Part A of the "Elementary and Secondary Education Act of 616  
1965," 20 U.S.C. 6311 to 6339, shall not be required to provide 617  
transportation to any student who enrolls in an alternative 618  
building under this division. 619

(2) For any school building that fails to make adequate 620  
yearly progress for three consecutive school years, the district 621  
shall do both of the following: 622

(a) If the building receives funds under Title 1, Part A of 623  
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 624  
6311 to 6339, from the district, in accordance with section 625  
3313.97 of the Revised Code, provide all students enrolled in the 626  
building the opportunity to enroll in an alternative building 627  
within the district that is not in school improvement status as 628  
defined by the "No Child Left Behind Act of 2001." Notwithstanding 629  
Chapter 3327. of the Revised Code, the district shall provide 630  
transportation for students who enroll in alternative buildings 631  
under this division to the extent required under division (E)(2) 632  
of this section. 633

(b) If the building receives funds under Title 1, Part A of 634  
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 635  
6311 to 6339, from the district, offer supplemental educational 636  
services to students who are enrolled in the building and who are 637  
in the subgroup described in division (B)(3) of section 3302.01 of 638  
the Revised Code. 639

The district shall spend a combined total of an amount equal 640  
to twenty per cent of the funds it receives under Title I, Part A 641

of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 642  
6311 to 6339, to provide transportation for students who enroll in 643  
alternative buildings under division (E)(1)(b) or (E)(2)(a) of 644  
this section and to pay the costs of the supplemental educational 645  
services provided to students under division (E)(2)(b) of this 646  
section, unless the district can satisfy all demand for 647  
transportation and pay the costs of supplemental educational 648  
services for those students who request them with a lesser amount. 649  
In allocating funds between the requirements of divisions 650  
(E)(1)(b) and (E)(2)(a) and (b) of this section, the district 651  
shall spend at least an amount equal to five per cent of the funds 652  
it receives under Title I, Part A of the "Elementary and Secondary 653  
Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide 654  
transportation for students who enroll in alternative buildings 655  
under division (E)(1)(b) or (E)(2)(a) of this section, unless the 656  
district can satisfy all demand for transportation with a lesser 657  
amount, and at least an amount equal to five per cent of the funds 658  
it receives under Title I, Part A of the "Elementary and Secondary 659  
Education Act of 1965," 20 U.S.C. 6311 to 6339, to pay the costs 660  
of the supplemental educational services provided to students 661  
under division (E)(2)(b) of this section, unless the district can 662  
pay the costs of such services for all students requesting them 663  
with a lesser amount. If an amount equal to twenty per cent of the 664  
funds the district receives under Title I, Part A of the 665  
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 666  
to 6339, is insufficient to satisfy all demand for transportation 667  
under divisions (E)(1)(b) and (E)(2)(a) of this section and to pay 668  
the costs of all of the supplemental educational services provided 669  
to students under division (E)(2)(b) of this section, the district 670  
shall grant priority over all other students in providing 671  
transportation and in paying the costs of supplemental educational 672  
services to the lowest achieving students among the subgroup 673  
described in division (B)(3) of section 3302.01 of the Revised 674

Code. 675

Any district that does not receive funds under Title I, Part 676  
A of the "Elementary and Secondary Education Act of 1965," 20 677  
U.S.C. 6311 to 6339, shall not be required to provide 678  
transportation to any student who enrolls in an alternative 679  
building under division (E)(2)(a) of this section or to pay the 680  
costs of supplemental educational services provided to any student 681  
under division (E)(2)(b) of this section. 682

No student who enrolls in an alternative building under 683  
division (E)(2)(a) of this section shall be eligible for 684  
supplemental educational services under division (E)(2)(b) of this 685  
section. 686

(3) For any school building that fails to make adequate 687  
yearly progress for four consecutive school years, the district 688  
shall continue to comply with division (E)(2) of this section and 689  
shall implement at least one of the following options with respect 690  
to the building: 691

(a) Institute a new curriculum that is consistent with the 692  
statewide academic standards adopted pursuant to division (A) of 693  
section 3301.079 of the Revised Code; 694

(b) Decrease the degree of authority the building has to 695  
manage its internal operations; 696

(c) Appoint an outside expert to make recommendations for 697  
improving the academic performance of the building. The district 698  
may request the department to establish a state intervention team 699  
for this purpose pursuant to division (G) of this section. 700

(d) Extend the length of the school day or year; 701

(e) Replace the building principal or other key personnel; 702

(f) Reorganize the administrative structure of the building. 703

(4) For any school building that fails to make adequate 704

yearly progress for five consecutive school years, the district 705  
shall continue to comply with division (E)(2) of this section and 706  
shall develop a plan during the next succeeding school year to 707  
improve the academic performance of the building, which shall 708  
include at least one of the following options: 709

(a) Reopen the school as a community school under Chapter 710  
3314. of the Revised Code; 711

(b) Replace personnel; 712

(c) Contract with a nonprofit or for-profit entity to operate 713  
the building; 714

(d) Turn operation of the building over to the department; 715

(e) Other significant restructuring of the building's 716  
governance. 717

(5) For any school building that fails to make adequate 718  
yearly progress for six consecutive school years, the district 719  
shall continue to comply with division (E)(2) of this section and 720  
shall implement the plan developed pursuant to division (E)(4) of 721  
this section. 722

(6) A district shall continue to comply with division 723  
(E)(1)(b) or (E)(2) of this section, whichever was most recently 724  
applicable, with respect to any building formerly subject to one 725  
of those divisions until the building makes adequate yearly 726  
progress for two consecutive school years. 727

(F) This division applies only to school districts that have 728  
been identified for improvement by the department pursuant to the 729  
"No Child Left Behind Act of 2001." It does not apply to any such 730  
district after June 30, 2008. 731

(1) If a school district has been identified for improvement 732  
for one school year, the district shall provide a written 733  
description of the continuous improvement plan developed by the 734



district pursuant to division (B) of this section to the parent or guardian of each student enrolled in the district. If the district does not have a continuous improvement plan, the district shall develop such a plan in accordance with division (B) of this section and provide a written description of the plan to the parent or guardian of each student enrolled in the district.

(2) If a school district has been identified for improvement for two consecutive school years, the district shall continue to implement the continuous improvement plan developed by the district pursuant to division (B) or (F)(1) of this section.

(3) If a school district has been identified for improvement for three consecutive school years, the department shall take at least one of the following corrective actions with respect to the district:

(a) Withhold a portion of the funds the district is entitled to receive under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339;

(b) Direct the district to replace key district personnel;

(c) Institute a new curriculum that is consistent with the statewide academic standards adopted pursuant to division (A) of section 3301.079 of the Revised Code;

(d) Establish alternative forms of governance for individual school buildings within the district;

(e) Appoint a trustee to manage the district in place of the district superintendent and board of education.

The department shall conduct individual audits of a sampling of districts subject to this division to determine compliance with the corrective actions taken by the department.

(4) If a school district has been identified for improvement for four consecutive school years, the department shall continue

to monitor implementation of the corrective action taken under 765  
division (F)(3) of this section with respect to the district. 766

(5) If a school district has been identified for improvement 767  
for five consecutive school years, the department shall take at 768  
least one of the corrective actions identified in division (F)(3) 769  
of this section with respect to the district, provided that the 770  
corrective action the department takes is different from the 771  
corrective action previously taken under division (F)(3) of this 772  
section with respect to the district. 773

(G) The department may establish a state intervention team to 774  
evaluate all aspects of a school district or building, including 775  
management, curriculum, instructional methods, resource 776  
allocation, and scheduling. Any such intervention team shall be 777  
appointed by the department and shall include teachers and 778  
administrators recognized as outstanding in their fields. The 779  
intervention team shall make recommendations regarding methods for 780  
improving the performance of the district or building. 781

The department shall not approve a district's request for an 782  
intervention team under division (E)(3) of this section if the 783  
department cannot adequately fund the work of the team, unless the 784  
district agrees to pay for the expenses of the team. 785

(H) The department shall conduct individual audits of a 786  
sampling of community schools established under Chapter 3314. of 787  
the Revised Code to determine compliance with this section. 788

(I) The state board shall adopt rules for implementing this 789  
section. 790

**Sec. 3302.061.** (A) A school district board of education shall 791  
review each application received under section 3302.06 of the 792  
Revised Code and, within sixty days after receipt of the 793  
application, shall approve or disapprove the application. In 794

reviewing applications, the board shall give preference to	795
applications that propose innovations in one or more of the	796
following areas:	797
(1) Curriculum;	798
(2) Student assessments, other than the assessments	799
prescribed by sections 3301.0710 and 3301.0712 of the Revised	800
Code;	801
(3) Class scheduling;	802
(4) Accountability measures, including innovations that	803
expand the number and variety of measures used in order to collect	804
more complete data about student academic performance. For this	805
purpose, schools may consider use of measures such as	806
end-of-course examinations, portfolios of student work, nationally	807
or internationally normed assessments, the percentage of students	808
enrolling in post-secondary education, or the percentage of	809
students simultaneously obtaining a high school diploma and an	810
associate's degree or certification to work in an industry or	811
career field.	812
(5) Provision of student services, including services for	813
students who are disabled, identified as gifted under Chapter	814
3324. of the Revised Code, limited English proficient, at risk of	815
academic failure or dropping out, or at risk of suspension or	816
expulsion;	817
(6) Provision of health, counseling, or other social services	818
to students;	819
(7) Preparation of students for transition to higher	820
education or the workforce;	821
(8) Teacher recruitment, employment, and evaluation;	822
(9) Compensation for school personnel;	823

(10) Professional development;	824
(11) School governance and the roles and responsibilities of principals;	825 826
(12) Use of financial or other resources.	827
(B)(1) If the board approves an application seeking designation as an innovation school, it shall so designate the school that submitted the application. If the board approves an application seeking designation as an innovation school zone, it shall so designate the participating schools that submitted the application.	828 829 830 831 832 833
(2) If the board disapproves an application, it shall provide a written explanation of the basis for its decision to the school or schools that submitted the application. The school or schools may reapply for designation as an innovation school or innovation school zone at any time.	834 835 836 837 838
(C) The board may approve an application that allows an innovation school or a school participating in an innovation school zone to determine the compensation of board employees working in the school, but the total compensation for all such employees shall not exceed the financial resources allocated to the school by the board. The school shall not be required to comply with the salary schedule adopted by the board under section <u>3311.78</u> , <u>3317.14</u> , or <u>3317.141</u> of the Revised Code. The board may approve an application that allows an innovation school or a school participating in an innovation school zone to remove board employees from the school, but no employee shall be terminated except as provided in section <u>3311.82</u> , <u>3319.081</u> , or <u>3319.16</u> of the Revised Code.	839 840 841 842 843 844 845 846 847 848 849 850 851
(D) The board may do either of the following at any time:	852
(1) Designate a school as an innovation school by creating an innovation plan for that school and offering the school an	853 854

opportunity to participate in the plan's creation; 855

(2) Designate as an innovation school zone two or more 856  
schools that share common interests based on factors such as 857  
geographical proximity or similar educational programs or that 858  
serve the same classes of students as they advance to higher grade 859  
levels, by creating an innovation plan for those schools and 860  
offering the schools an opportunity to participate in the plan's 861  
creation. 862

**Sec. 3307.01.** As used in this chapter: 863

(A) "Employer" means the board of education, school district, 864  
governing authority of any community school established under 865  
Chapter 3314. of the Revised Code, a science, technology, 866  
engineering, and mathematics school established under Chapter 867  
3326. of the Revised Code, college, university, institution, or 868  
other agency within the state by which a teacher is employed and 869  
paid. 870

(B) "Teacher" means all of the following: 871

(1) Any person paid from public funds and employed in the 872  
public schools of the state under any type of contract described 873  
in section 3311.77 or 3319.08 of the Revised Code in a position 874  
for which the person is required to have a license issued pursuant 875  
to sections 3319.22 to 3319.31 of the Revised Code; 876

(2) Any person employed as a teacher by a community school or 877  
a science, technology, engineering, and mathematics school 878  
pursuant to Chapter 3314. or 3326. of the Revised Code; 879

(3) Any person having a license issued pursuant to sections 880  
3319.22 to 3319.31 of the Revised Code and employed in a public 881  
school in this state in an educational position, as determined by 882  
the state board of education, under programs provided for by 883  
federal acts or regulations and financed in whole or in part from 884

federal funds, but for which no licensure requirements for the 885  
position can be made under the provisions of such federal acts or 886  
regulations; 887

(4) Any other teacher or faculty member employed in any 888  
school, college, university, institution, or other agency wholly 889  
controlled and managed, and supported in whole or in part, by the 890  
state or any political subdivision thereof, including Central 891  
state university, Cleveland state university, and the university 892  
of Toledo; 893

(5) The educational employees of the department of education, 894  
as determined by the state superintendent of public instruction. 895

In all cases of doubt, the state teachers retirement board 896  
shall determine whether any person is a teacher, and its decision 897  
shall be final. 898

"Teacher" does not include any eligible employee of a public 899  
institution of higher education, as defined in section 3305.01 of 900  
the Revised Code, who elects to participate in an alternative 901  
retirement plan established under Chapter 3305. of the Revised 902  
Code. 903

(C) "Member" means any person included in the membership of 904  
the state teachers retirement system, which shall consist of all 905  
teachers and contributors as defined in divisions (B) and (D) of 906  
this section and all disability benefit recipients, as defined in 907  
section 3307.50 of the Revised Code. However, for purposes of this 908  
chapter, the following persons shall not be considered members: 909

(1) A student, intern, or resident who is not a member while 910  
employed part-time by a school, college, or university at which 911  
the student, intern, or resident is regularly attending classes; 912

(2) A person denied membership pursuant to section 3307.24 of 913  
the Revised Code; 914

(3) An other system retirant, as defined in section 3307.35	915
of the Revised Code, or a superannuate;	916
(4) An individual employed in a program established pursuant	917
to the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29	918
U.S.C.A. 1501.	919
(D) "Contributor" means any person who has an account in the	920
teachers' savings fund or defined contribution fund.	921
(E) "Beneficiary" means any person eligible to receive, or in	922
receipt of, a retirement allowance or other benefit provided by	923
this chapter.	924
(F) "Year" means the year beginning the first day of July and	925
ending with the thirtieth day of June next following, except that	926
for the purpose of determining final average salary under the plan	927
described in sections 3307.50 to 3307.79 of the Revised Code,	928
"year" may mean the contract year.	929
(G) "Local district pension system" means any school teachers	930
pension fund created in any school district of the state in	931
accordance with the laws of the state prior to September 1, 1920.	932
(H) "Employer contribution" means the amount paid by an	933
employer, as determined by the employer rate, including the normal	934
and deficiency rates, contributions, and funds wherever used in	935
this chapter.	936
(I) "Five years of service credit" means employment covered	937
under this chapter and employment covered under a former	938
retirement plan operated, recognized, or endorsed by a college,	939
institute, university, or political subdivision of this state	940
prior to coverage under this chapter.	941
(J) "Actuary" means the actuarial consultant to the state	942
teachers retirement board, who shall be either of the following:	943
(1) A member of the American academy of actuaries;	944

(2) A firm, partnership, or corporation of which at least one person is a member of the American academy of actuaries. 945  
946

(K) "Fiduciary" means a person who does any of the following: 947

(1) Exercises any discretionary authority or control with respect to the management of the system, or with respect to the management or disposition of its assets; 948  
949  
950

(2) Renders investment advice for a fee, direct or indirect, with respect to money or property of the system; 951  
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(3) Has any discretionary authority or responsibility in the administration of the system. 953  
954

(L)(1) Except as provided in this division, "compensation" means all salary, wages, and other earnings paid to a teacher by reason of the teacher's employment, including compensation paid pursuant to a supplemental contract. The salary, wages, and other earnings shall be determined prior to determination of the amount required to be contributed to the teachers' savings fund or defined contribution fund under section 3307.26 of the Revised Code and without regard to whether any of the salary, wages, or other earnings are treated as deferred income for federal income tax purposes. 955  
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(2) Compensation does not include any of the following: 965

(a) Payments for accrued but unused sick leave or personal leave, including payments made under a plan established pursuant to section 124.39 of the Revised Code or any other plan established by the employer; 966  
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969

(b) Payments made for accrued but unused vacation leave, including payments made pursuant to section 124.13 of the Revised Code or a plan established by the employer; 970  
971  
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(c) Payments made for vacation pay covering concurrent periods for which other salary, compensation, or benefits under 973  
974



this chapter are paid;	975
(d) Amounts paid by the employer to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the teacher or the teacher's family, or amounts paid by the employer to the teacher in lieu of providing the insurance;	976 977 978 979 980
(e) Incidental benefits, including lodging, food, laundry, parking, or services furnished by the employer, use of the employer's property or equipment, and reimbursement for job-related expenses authorized by the employer, including moving and travel expenses and expenses related to professional development;	981 982 983 984 985 986
(f) Payments made by the employer in exchange for a member's waiver of a right to receive any payment, amount, or benefit described in division (L)(2) of this section;	987 988 989
(g) Payments by the employer for services not actually rendered;	990 991
(h) Any amount paid by the employer as a retroactive increase in salary, wages, or other earnings, unless the increase is one of the following:	992 993 994
(i) A retroactive increase paid to a member employed by a school district board of education in a position that requires a license designated for teaching and not designated for being an administrator issued under section 3319.22 of the Revised Code that is paid in accordance with uniform criteria applicable to all members employed by the board in positions requiring the licenses;	995 996 997 998 999 1000
(ii) A retroactive increase paid to a member employed by a school district board of education in a position that requires a license designated for being an administrator issued under section 3319.22 of the Revised Code that is paid in accordance with uniform criteria applicable to all members employed by the board	1001 1002 1003 1004 1005

in positions requiring the licenses; 1006

(iii) A retroactive increase paid to a member employed by a 1007  
school district board of education as a superintendent that is 1008  
also paid as described in division (L)(2)(h)(i) of this section; 1009

(iv) A retroactive increase paid to a member employed by an 1010  
employer other than a school district board of education in 1011  
accordance with uniform criteria applicable to all members 1012  
employed by the employer. 1013

(i) Payments made to or on behalf of a teacher that are in 1014  
excess of the annual compensation that may be taken into account 1015  
by the retirement system under division (a)(17) of section 401 of 1016  
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1017  
401(a)(17), as amended. For a teacher who first establishes 1018  
membership before July 1, 1996, the annual compensation that may 1019  
be taken into account by the retirement system shall be determined 1020  
under division (d)(3) of section 13212 of the "Omnibus Budget 1021  
Reconciliation Act of 1993," Pub. L. No. 103-66, 107 Stat. 472. 1022

(j) Payments made under division (B), (C), or (E) of section 1023  
5923.05 of the Revised Code, Section 4 of Substitute Senate Bill 1024  
No. 3 of the 119th general assembly, Section 3 of Amended 1025  
Substitute Senate Bill No. 164 of the 124th general assembly, or 1026  
Amended Substitute House Bill No. 405 of the 124th general 1027  
assembly; 1028

(k) Anything of value received by the teacher that is based 1029  
on or attributable to retirement or an agreement to retire. 1030

(3) The retirement board shall determine by rule both of the 1031  
following: 1032

(a) Whether particular forms of earnings are included in any 1033  
of the categories enumerated in this division; 1034

(b) Whether any form of earnings not enumerated in this 1035

division is to be included in compensation. 1036

Decisions of the board made under this division shall be 1037  
final. 1038

(M) "Superannuate" means both of the following: 1039

(1) A former teacher receiving from the system a retirement 1040  
allowance under section 3307.58 or 3307.59 of the Revised Code; 1041

(2) A former teacher receiving a benefit from the system 1042  
under a plan established under section 3307.81 of the Revised 1043  
Code, except that "superannuate" does not include a former teacher 1044  
who is receiving a benefit based on disability under a plan 1045  
established under section 3307.81 of the Revised Code. 1046

For purposes of sections 3307.35 and 3307.353 of the Revised 1047  
Code, "superannuate" also means a former teacher receiving from 1048  
the system a combined service retirement benefit paid in 1049  
accordance with section 3307.57 of the Revised Code, regardless of 1050  
which retirement system is paying the benefit. 1051

**Sec. 3311.71.** (A) As used in this section and in sections 1052  
3311.72 to ~~3311.76~~ 3311.86 of the Revised Code: 1053

(1) "Municipal school district" means a school district that 1054  
is or has ever been under a federal court order requiring 1055  
supervision and operational, fiscal, and personnel management of 1056  
the district by the state superintendent of public instruction. 1057

(2) "Mayor" means the mayor of the municipal corporation 1058  
containing the greatest portion of a municipal school district's 1059  
territory. 1060

(B) Whenever any municipal school district is released by a 1061  
federal court from an order requiring supervision and operational, 1062  
fiscal, and personnel management of the district by the state 1063  
superintendent, the management and control of that district shall 1064  
be assumed, effective immediately, by a new nine-member board of 1065

education. Members of the new board shall be appointed by the 1066  
mayor, who shall also designate one member as the chairperson of 1067  
the board. In addition to the rights, authority, and duties 1068  
conferred upon the chairperson by sections 3311.71 to ~~3311.76~~ 1069  
3311.86 of the Revised Code, the chairperson shall have all the 1070  
rights, authority, and duties conferred upon the president of a 1071  
board of education by the Revised Code that are not inconsistent 1072  
with sections 3311.71 to ~~3311.76~~ 3311.86 of the Revised Code. 1073

(C) No school board member shall be appointed by the mayor 1074  
pursuant to division (B) of this section until the mayor has 1075  
received a slate of at least eighteen candidates nominated by a 1076  
municipal school district nominating panel, at least three of whom 1077  
reside in the municipal school district but not in the municipal 1078  
corporation containing the greatest portion of the district's 1079  
territory. The municipal school district nominating panel shall be 1080  
initially convened and chaired by the state superintendent of 1081  
public instruction, who shall serve as a nonvoting member for the 1082  
first two years of the panel's existence, and shall consist of 1083  
eleven persons selected as follows: 1084

(1) Three parents or guardians of children attending the 1085  
schools of the municipal school district appointed by the district 1086  
parent-teacher association, or similar organization selected by 1087  
the state superintendent; 1088

(2) Three persons appointed by the mayor; 1089

(3) One person appointed by the president of the legislative 1090  
body of the municipal corporation containing the greatest portion 1091  
of the municipal school district's territory; 1092

(4) One teacher appointed by the collective bargaining 1093  
representative of the school district's teachers; 1094

(5) One principal appointed through a vote of the school 1095  
district's principals, which vote shall be conducted by the state 1096

superintendent; 1097

(6) One representative of the business community appointed by 1098  
an organized collective business entity selected by the mayor; 1099

(7) One president of a public or private institution of 1100  
higher education located within the municipal school district 1101  
appointed by the state superintendent of public instruction. 1102

The municipal school district nominating panel shall select 1103  
one of its members as its chairperson commencing two years after 1104  
the date of the first meeting of the panel, at which time the 1105  
state superintendent of public instruction shall no longer convene 1106  
or chair the panel. Thereafter, the panel shall meet as necessary 1107  
to make nominations at the call of the chairperson. All members of 1108  
the panel shall serve at the pleasure of the appointing authority. 1109  
Vacancies on the panel shall be filled in the same manner as the 1110  
initial appointments. 1111

(D) No individual shall be appointed by the mayor pursuant to 1112  
division (B) or (F) of this section unless the individual has been 1113  
nominated by the nominating panel, resides in the school district, 1114  
and holds no elected public office. At any given time, four of the 1115  
nine members appointed by the mayor to serve on the board pursuant 1116  
to either division (B) or (F) of this section shall have 1117  
displayed, prior to appointment, significant expertise in either 1118  
the education field, finance, or business management. At all times 1119  
at least one member of the board shall be an individual who 1120  
resides in the municipal school district but not in the municipal 1121  
corporation containing the greatest portion of the district's 1122  
territory. 1123

(E) The terms of office of all members appointed by the mayor 1124  
pursuant to division (B) of this section shall expire on the next 1125  
thirtieth day of June following the referendum election required 1126  
by section 3311.73 of the Revised Code. The mayor may, with the 1127

advice and consent of the nominating panel, remove any member 1128  
appointed pursuant to that division or division (F) of this 1129  
section for cause. 1130

(F) If the voters of the district approve the continuation of 1131  
an appointed board at the referendum election required by section 1132  
3311.73 of the Revised Code, the mayor shall appoint the members 1133  
of a new board from a slate prepared by the nominating panel in 1134  
the same manner as the initial board was appointed pursuant to 1135  
divisions (B), (C), and (D) of this section. Five of the members 1136  
of the new board shall be appointed to four-year terms and the 1137  
other four shall be appointed to two-year terms, each term 1138  
beginning on the first day of July. Thereafter, the mayor shall 1139  
appoint members to four-year terms in the same manner as described 1140  
in divisions (B), (C), and (D) of this section. The minimum number 1141  
of individuals who shall be on the slate prepared by the 1142  
nominating panel for this purpose shall be at least twice the 1143  
number of members to be appointed, including at least two who 1144  
reside in the municipal school district but not in the municipal 1145  
corporation containing the greatest portion of the district's 1146  
territory. 1147

(G) In addition to the nine members appointed by the mayor, 1148  
the boards appointed pursuant to divisions (B) and (F) of this 1149  
section shall include the following nonvoting ex officio members: 1150

(1) If the main campus of a state university specified in 1151  
section 3345.011 of the Revised Code is located within the 1152  
municipal school district, the president of the university or the 1153  
president's designee; 1154

(2) If any community college has its main branch located 1155  
within the district, the president of the community college that 1156  
has the largest main branch within the district, or the 1157  
president's designee. 1158

Sec. 3311.72. This section does not apply to any principal, 1159  
assistant principal, or other administrator who is employed to 1160  
perform administrative functions primarily within one school 1161  
building. 1162

(A) On the effective date of the assumption of control of a 1163  
municipal school district by the new board of education pursuant 1164  
to division (B) of section 3311.71 of the Revised Code, the 1165  
treasurer, business manager, superintendent, assistant 1166  
superintendents, and other administrators of the school district 1167  
shall submit their resignations to the board. As used in this 1168  
section, "other administrator" has the same meaning as in section 1169  
3319.02 of the Revised Code. 1170

(B) Notwithstanding Chapter 3319. of the Revised Code: 1171

(1) Until thirty months after the date of the assumption of 1172  
control of a municipal school district by a board pursuant to 1173  
division (B) of section 3311.71 of the Revised Code, the mayor 1174  
shall appoint the chief executive officer and fill any vacancies 1175  
occurring in that position. 1176

(2) After the board appointed pursuant to division (B) of 1177  
section 3311.71 of the Revised Code has been in control of a 1178  
municipal school district for thirty months, the mayor shall 1179  
appoint the chief executive officer and fill any vacancies 1180  
occurring in that position, with the concurrence of the board. 1181

(3) After the first date of the assumption of control of a 1182  
municipal school district by a board pursuant to division (F) of 1183  
section 3311.71 of the Revised Code, the board shall appoint the 1184  
chief executive officer and fill any vacancies occurring in that 1185  
position, with the concurrence of the mayor. 1186

(4) An individual appointed to the position of chief 1187  
executive officer under division (B)(1), (2), or (3) of this 1188

section shall have a contract with the school district that 1189  
includes such terms and conditions of employment as are agreeable 1190  
to the board and the appointee, except that each such contract 1191  
shall contain a provision stating that, unless the individual 1192  
chooses to terminate the contract at a prior time: 1193

(a) During the first thirty months after the date of the 1194  
assumption of control of the municipal school district by the 1195  
board pursuant to division (B) of section 3311.71 of the Revised 1196  
Code, the individual will serve at the pleasure of the mayor; 1197

(b) Beginning thirty months after the date of assumption of 1198  
control, the individual will serve at the pleasure of the board, 1199  
with the mayor's concurrence required for removal. 1200

(c) The chief executive officer shall appoint a chief 1201  
financial officer, a chief academic officer, a chief operating 1202  
officer, and a chief communications officer and any other 1203  
administrators for the district as the chief executive officer 1204  
shall determine to be necessary. The chief executive officer shall 1205  
also appoint ombudspersons who shall answer questions and seek to 1206  
resolve problems and concerns raised by parents and guardians of 1207  
children attending district schools. The chief executive officer 1208  
shall appoint a sufficient number of ombudspersons to serve the 1209  
needs of the parents and guardians. 1210

A municipal school district is not required to have a 1211  
superintendent appointed pursuant to section 3319.01 of the 1212  
Revised Code or a treasurer elected pursuant to section 3313.22 of 1213  
the Revised Code. In addition to the rights, authority, and duties 1214  
conferred upon the chief executive officer and chief financial 1215  
officer in sections 3311.71 to ~~3311.76~~ 3311.86 of the Revised 1216  
Code, the chief executive officer and the chief financial officer 1217  
shall have all of the rights, authority, and duties conferred upon 1218  
the superintendent of a school district and the treasurer of a 1219  
board of education, respectively, by the Revised Code that are not 1220



inconsistent with sections 3311.71 to ~~3311.76~~ 3311.86 of the Revised Code.

(D) Notwithstanding Chapters 124. and 3319. of the Revised Code, an individual appointed to an administrative position in a municipal school district by its chief executive officer shall have a contract with the school district that includes such terms and conditions of employment as are agreeable to the chief executive officer and the appointee, except that each such contract shall contain a provision stating that, unless the appointee chooses to terminate the contract at a prior time, the appointee will serve at the pleasure of the chief executive officer.

(E) The chief executive officer shall also contract for or employ such consultants, counsel, or other outside parties as in the chief executive officer's reasonable judgment shall be necessary to design, implement, or evaluate the plan required by section 3311.74 of the Revised Code and to properly operate the school district, subject to appropriations by the board.

(F) Notwithstanding section 3301.074 and Chapter 3319. of the Revised Code, no person appointed under this section shall be required to hold any license, certificate, or permit.

**Sec. 3311.74.** (A) The board of education of a municipal school district, in consultation with the department of education, shall set goals for the district's educational, financial, and management progress and establish accountability standards with which to measure the district's progress.

(B) The chief executive officer of a municipal school district shall develop, implement, and regularly update a plan to measure student academic performance at each school within the district. Where The plan developed by the chief executive officer shall include a component that requires the parents or guardians

of students who attend low-performing schools to attend, prior to 1252  
the thirty-first day of December each year, at least one 1253  
parent-teacher conference or similar event held by the school the 1254  
student attends to provide an opportunity for the parents and 1255  
guardians to meet the student's teachers, discuss expectations for 1256  
the student, discuss the student's performance, and foster 1257  
communication between home and school. 1258

Where measurements demonstrate that students in particular 1259  
schools are not achieving, or are not improving their achievement 1260  
levels at an acceptable rate, the plan shall contain provisions 1261  
requiring the chief executive officer, with the concurrence of the 1262  
board, to take corrective action within those schools, including, 1263  
but not limited to, reallocation of academic and financial 1264  
resources, reassignment of staff, redesign of academic ~~program,~~ 1265  
programs, adjusting the length of the school year or school day, 1266  
and deploying additional assistance to students. Prior to taking 1267  
corrective action pursuant to the plan, the chief executive 1268  
officer shall confer with the leaders of the labor organizations 1269  
whose members will be affected by the corrective action. 1270

Notwithstanding anything to the contrary in Chapter 4117. of 1271  
the Revised Code, the content of the plan developed under this 1272  
division and any actions taken to implement the plan prevail over 1273  
any conflicting provision of a collective bargaining agreement 1274  
entered into on or after the effective date of this amendment. 1275

(C) Annually the chief executive officer shall issue a report 1276  
to residents of the district that includes results of achievement 1277  
measurements made under division (B) of this section and 1278  
delineates the nature of any reforms and corrective actions being 1279  
taken in response to any failure to achieve at an acceptable level 1280  
or rate. The report shall also contain descriptions of efforts 1281  
undertaken to improve the overall quality or efficiency of 1282  
operation of the district, shall list the source of all district 1283

revenues, and shall contain a description of all district 1284  
expenditures during the preceding fiscal year. 1285

(D) The chief executive officer shall implement a public 1286  
awareness campaign to keep the parents and guardians of the 1287  
district's students informed of the changes being implemented 1288  
within the district. The campaign may include such methods as 1289  
community forums, letters, and brochures. It shall include annual 1290  
distribution to all parents and guardians of an information card 1291  
specifying the names and business addresses and telephone numbers 1292  
of the ombudspersons appointed under section 3311.72 of the 1293  
Revised Code and other employees of the district board of 1294  
education who may serve as information resources for parents and 1295  
guardians. 1296

**Sec. 3311.76.** (A) Notwithstanding Chapters 3302. and 3317. of 1297  
the Revised Code, upon written request of the district chief 1298  
executive officer, the state superintendent of public instruction 1299  
may exempt a municipal school district from any ~~rules adopted~~ 1300  
under requirement of Title XXXVIII of the Revised Code or any rule 1301  
adopted under that title, except for any requirement of or rule 1302  
adopted under Chapter 3307. or 3309., any of sections 3319.07 to 1303  
3319.21 that apply to a municipal school district, or Chapter 1304  
3323. of the Revised Code, and may authorize a municipal school 1305  
district to apply funds allocated to the district under Chapter 1306  
3317. of the Revised Code, except those specifically allocated to 1307  
purposes other than current expenses, to the payment of debt 1308  
charges on the district's public obligations. The request must 1309  
specify the ~~provisions~~ requirements or rules from which the 1310  
district is seeking exemption or the application requested and the 1311  
reasons for the request. The state superintendent shall approve 1312  
the request if the superintendent finds the requested exemption or 1313  
application is in the best interest of the district's students. 1314  
The superintendent shall approve or disapprove the request within 1315

thirty days and shall notify the district board and the district chief executive officer of approval or reasons for disapproving the request.

(B) In addition to the rights, authority, and duties conferred upon a municipal school district and its board of education in sections 3311.71 to ~~3311.76~~ 3311.86 of the Revised Code, a municipal school district and its board shall have all of the rights, authority, and duties conferred upon a city school district and its board by law that are not inconsistent with sections 3311.71 to ~~3311.76~~ 3311.86 of the Revised Code.

Sec. 3311.77. Notwithstanding any provision of the Revised Code to the contrary, and except as otherwise specified in division (G)(1) of this section, a municipal school district shall be subject to this section instead of section 3319.08 of the Revised Code. Section 3319.0811 of the Revised Code shall not apply to the district.

(A) The board of education of each municipal school district shall enter into written contracts for the employment and re-employment of all teachers. Contracts for the employment of teachers shall be of three types, limited contracts, extended limited contracts, and continuing contracts. If the board authorizes compensation in addition to the salary paid under section 3311.78 of the Revised Code for the performance of duties by a teacher that are in addition to the teacher's regular teaching duties, the board shall enter into a supplemental written contract with each teacher who is to perform additional duties. Such supplemental written contracts shall be limited contracts. Such written contracts and supplemental written contracts shall set forth the teacher's duties and shall specify the salaries and compensation to be paid for regular teaching duties and additional teaching duties, respectively.

If the board adopts a motion or resolution to employ a 1347  
teacher under a limited contract or extended limited contract, or 1348  
under a continuing contract pursuant to division (E) of this 1349  
section, and the teacher accepts such employment, the failure of 1350  
such parties to execute a written contract shall not void such 1351  
employment contract. 1352

(B) Teachers shall be paid for all time lost when the schools 1353  
in which they are employed are closed due to an epidemic or other 1354  
public calamity, and for time lost due to illness or otherwise for 1355  
not less than five days annually as authorized by regulations 1356  
which the board shall adopt. 1357

(C) The term of a limited contract for a teacher shall not 1358  
exceed the following: 1359

(1) Five years, in the case of a contract entered into prior 1360  
to the effective date of this section; 1361

(2) A term as authorized in division (D) of this section, in 1362  
the case of a contract entered into on or after the effective date 1363  
of this section. 1364

(D) The term of an initial limited contract for a teacher 1365  
described in division (C)(2) of this section shall not exceed two 1366  
years. Any subsequent limited contract entered into with that 1367  
teacher shall not exceed five years. 1368

(E) A continuing contract is a contract that remains in 1369  
effect until the teacher resigns, elects to retire, or is retired 1370  
pursuant to former section 3307.37 of the Revised Code, or until 1371  
it is terminated or suspended and shall be granted only to 1372  
teachers who have provided notice of their eligibility by the 1373  
fifteenth day of September of the year the teacher becomes 1374  
eligible for a continuing contract and who have met one of the 1375  
following criteria: 1376

(1) The teacher holds a professional, permanent, or life 1377

<u>teacher's certificate;</u>	1378
<u>(2) The teacher meets the following conditions:</u>	1379
<u>(a) The teacher was initially issued a teacher's certificate</u>	1380
<u>or educator license prior to January 1, 2011.</u>	1381
<u>(b) The teacher holds a professional educator license issued</u>	1382
<u>under section 3319.22 or 3319.222 or former section 3319.22 of the</u>	1383
<u>Revised Code or a senior professional educator license or lead</u>	1384
<u>professional educator license issued under section 3319.22 of the</u>	1385
<u>Revised Code.</u>	1386
<u>(c) The teacher has completed the applicable one of the</u>	1387
<u>following:</u>	1388
<u>(i) If the teacher did not hold a master's degree at the time</u>	1389
<u>of initially receiving a teacher's certificate under former law or</u>	1390
<u>an educator license, thirty semester hours of coursework in the</u>	1391
<u>area of licensure or in an area related to the teaching field</u>	1392
<u>since the initial issuance of such certificate or license, as</u>	1393
<u>specified in rules which the state board of education shall adopt;</u>	1394
<u>(ii) If the teacher held a master's degree at the time of</u>	1395
<u>initially receiving a teacher's certificate under former law or an</u>	1396
<u>educator license, six semester hours of graduate coursework in the</u>	1397
<u>area of licensure or in an area related to the teaching field</u>	1398
<u>since the initial issuance of such certificate or license, as</u>	1399
<u>specified in rules which the state board shall adopt.</u>	1400
<u>(3) The teacher meets the following conditions:</u>	1401
<u>(a) The teacher never held a teacher's certificate and was</u>	1402
<u>initially issued an educator license on or after January 1, 2011.</u>	1403
<u>(b) The teacher holds a professional educator license, senior</u>	1404
<u>professional educator license, or lead professional educator</u>	1405
<u>license issued under section 3319.22 of the Revised Code.</u>	1406
<u>(c) The teacher has held an educator license for at least</u>	1407

seven years. 1408

(d) The teacher has completed the applicable one of the 1409  
following: 1410

(i) If the teacher did not hold a master's degree at the time 1411  
of initially receiving an educator license, thirty semester hours 1412  
of coursework in the area of licensure or in an area related to 1413  
the teaching field since the initial issuance of that license, as 1414  
specified in rules which the state board shall adopt; 1415

(ii) If the teacher held a master's degree at the time of 1416  
initially receiving an educator license, six semester hours of 1417  
graduate coursework in the area of licensure or in an area related 1418  
to the teaching field since the initial issuance of that license, 1419  
as specified in rules which the state board shall adopt. 1420

(F) Nothing in division (E) of this section shall be 1421  
construed to void or otherwise affect a continuing contract 1422  
entered into prior to the effective date of this section. 1423

(G) Notwithstanding any provision to the contrary in Chapter 1424  
4117. of the Revised Code: 1425

(1) The requirements of division (D)(3) of section 3319.08 of 1426  
the Revised Code prevail over any conflicting provisions of a 1427  
collective bargaining agreement entered into between October 16, 1428  
2009, and the effective date of this section. 1429

(2) The requirements of this section prevail over any 1430  
conflicting provisions of a collective bargaining agreement 1431  
entered into on or after the effective date of this section. 1432

(H) Wherever the term "educator license" is used in this 1433  
section without reference to a specific type of educator license, 1434  
the term does not include an educator license for substitute 1435  
teaching issued under section 3319.226 of the Revised Code. 1436

**Sec. 3311.78.** Notwithstanding any provision of the Revised 1437

Code to the contrary, a municipal school district shall be subject 1438  
to this section instead of sections 3317.13, 3317.14, and 3317.141 1439  
of the Revised Code. 1440

(A) As used in this section, "principal" includes an 1441  
assistant principal. 1442

(B) The board of education of each municipal school district 1443  
annually shall adopt separate, differentiated salary schedules for 1444  
teachers and principals based upon performance as described in 1445  
division (C) of this section. For each teacher or principal hired 1446  
on or after the effective date of this section, the board shall 1447  
determine the teacher's or principal's initial placement on the 1448  
applicable salary schedule based on years of experience and area 1449  
of licensure and any other factors the board considers 1450  
appropriate. 1451

(C) For purposes of the schedules, the board shall measure a 1452  
teacher's or principal's performance by considering all of the 1453  
following: 1454

(1) The level of license issued under section 3319.22 of the 1455  
Revised Code that the teacher or principal holds; 1456

(2) Whether the teacher or principal is a highly qualified 1457  
teacher, as defined in section 3319.074 of the Revised Code; 1458

(3) Ratings received by the teacher or principal on 1459  
performance evaluations conducted under section 3311.80 or 3311.84 1460  
of the Revised Code. 1461

(D) The salary schedules adopted under this section may 1462  
provide for additional compensation for teachers or principals who 1463  
agree to perform duties, not contracted for under a supplemental 1464  
contract, that the board determines warrant additional 1465  
compensation. Those duties may include, but are not limited to, 1466  
assignment to a school building eligible for funding under Title I 1467  
of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 1468



6301 et seq.; assignment to a building in "school improvement" status under the "No Child Left Behind Act of 2001," as defined in section 3302.01 of the Revised Code; teaching in a grade level or subject area in which the board has determined there is a shortage within the district; or assignment to a hard-to-staff school, as determined by the board. 1469  
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(E) The board annually shall review the salary of each teacher and principal. The board may increase a teacher's or principal's salary based on the teacher's or principal's performance or as provided for in division (D) of this section. The performance-based increase for a teacher or principal rated as accomplished shall be greater than the performance-based increase for a teacher or principal rated as proficient. Notwithstanding division (C) of section 3319.02 and section 3319.12 of the Revised Code, the board may decrease the teacher's or principal's salary if the teacher or principal will perform fewer or different duties described in division (D) of this section in the school year for which the salary is decreased. 1475  
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(F) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the requirements of this section prevail over any conflicting provisions of a collective bargaining agreement entered into on or after the effective date of this section. 1487  
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**Sec. 3311.79.** (A) When assigning teachers to schools of a municipal school district, each teacher who is a candidate for an open position at a particular school shall be interviewed by a building level team comprised of the building principal and teachers already assigned to the school building. The team shall make recommendations whether to assign a teacher to an open position in the building based on how suitably the teacher's credentials fulfill the needs of the particular school. For this 1492  
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purpose, the building level team shall consider the following 1500  
credentials: 1501

(1) The level of license issued under section 3319.22 of the 1502  
Revised Code that the teacher holds; 1503

(2) The number of subject areas the teacher is licensed to 1504  
teach; 1505

(3) Whether the teacher is a highly qualified teacher, as 1506  
defined in section 3319.074 of the Revised Code; 1507

(4) The results of the teacher's performance evaluations 1508  
conducted under section 3311.80 of the Revised Code; 1509

(5) Whether the teacher has recently taught and been 1510  
evaluated in the subject areas the teacher would teach at the 1511  
school; 1512

(6) Any specialized training or experience the teacher 1513  
possesses; 1514

(7) Any other credentials established by the district chief 1515  
executive officer or a building level team. 1516

(B) In order for a candidate to be assigned to a position in 1517  
the building, the principal shall take into consideration the 1518  
recommendations of the entire building level team. The building 1519  
level team shall make its recommendations to the district chief 1520  
executive officer or the chief executive officer's designee for 1521  
the chief executive officer's or designee's final approval of the 1522  
assignment. 1523

(C) In the event that open positions in one or more school 1524  
buildings have not been filled through the procedures set forth in 1525  
divisions (A) and (B) of this section by ten days prior to the 1526  
first work day for teachers of the school year, the district chief 1527  
executive officer or the chief executive officer's designee shall 1528  
assign teachers to any of those open positions based on the 1529

credential factors prescribed in divisions (A)(1) to (7) of this section. 1530  
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(D) In the event that a teacher must be reassigned after the first student day of the school year, the building level team interview and recommendation procedures set forth in divisions (A) and (B) of this section shall be used to fill open positions. If any positions remain open on or after ten days prior to the last day of the first grading period of the school year, the district chief executive officer or the chief executive officer's designee shall assign teachers to any of those open positions based on the credential factors prescribed in divisions (A)(1) to (7) of this section. 1532  
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(E) The district chief executive officer or a building level team shall not use seniority or continuing contract status as the primary factor in determining any teacher's assignment to a school. 1542  
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(F) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the requirements of this section prevail over any conflicting provisions of a collective bargaining agreement entered into on or after the effective date of this section. 1546  
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Sec. 3311.80. Notwithstanding any provision of the Revised Code to the contrary, a municipal school district shall be subject to this section instead of section 3319.111 of the Revised Code. 1551  
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(A) Not later than July 1, 2013, the board of education of each municipal school district, in consultation with teachers employed by the board, shall adopt a standards-based teacher evaluation policy that conforms with the framework for evaluation of teachers developed under section 3319.112 of the Revised Code. The formal observations and classroom walk-throughs required by that section may be announced or unannounced and may be made at 1554  
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any time during the school year, provided that the formal 1561  
observations shall be conducted at least thirty days apart. 1562  
Evaluations conducted under the policy also may include 1563  
examinations of samples of work, such as lesson plans or 1564  
assessments designed by a teacher, and multiple measures of 1565  
student academic growth. 1566

(B) When using measures of student academic growth as a 1567  
component of a teacher's evaluation, those measures shall include 1568  
the value-added progress dimension prescribed by section 3302.021 1569  
of the Revised Code. For teachers of grade levels and subjects for 1570  
which the value-added progress dimension is not applicable, the 1571  
board shall administer assessments on the list developed under 1572  
division (B)(2) of section 3319.112 of the Revised Code. 1573

(C)(1) The board shall conduct an evaluation of each teacher 1574  
employed by the board at least once each school year, except as 1575  
provided in division (C)(2) of this section. The evaluation shall 1576  
be completed not later than the first day of June and the teacher 1577  
shall receive a written report of the results of the evaluation 1578  
within ten days after its completion. 1579

(2) The board may elect, by adoption of a resolution, to 1580  
evaluate each teacher who received a rating of accomplished on the 1581  
teacher's most recent evaluation conducted under this section once 1582  
every two school years, except that the teacher shall be evaluated 1583  
in any school year in which the teacher's contract is due to 1584  
expire. The biennial evaluation shall be completed not later than 1585  
the first day of June of the applicable school year, and the 1586  
teacher shall receive a written report of the results of the 1587  
evaluation within ten days after its completion. 1588

(D) Each evaluation conducted pursuant to this section shall 1589  
be conducted by one or more of the following: 1590

(1) The chief executive officer of the school district or a 1591

subordinate officer of the district with responsibility for 1592  
instruction or academic affairs; 1593

(2) A person who is under contract with the board pursuant to 1594  
section 3319.02 of the Revised Code and holds a license designated 1595  
for being a principal issued under section 3319.22 of the Revised 1596  
Code; 1597

(3) A person who is under contract with the board pursuant to 1598  
section 3319.02 of the Revised Code and holds a license designated 1599  
for being a vocational director or a supervisor in any educational 1600  
area issued under section 3319.22 of the Revised Code; 1601

(4) A person designated to conduct evaluations under an 1602  
agreement providing for peer review entered into by the board and 1603  
representatives of teachers employed by the board. 1604

(E) The board shall include in its evaluation policy 1605  
procedures for using the evaluation results for decisions 1606  
regarding retention, promotion, and reductions in force and for 1607  
removal of poorly performing teachers. The board shall not base 1608  
the decision to retain a teacher on seniority or continuing 1609  
contract status, except that the board may consider seniority or 1610  
continuing contract status when deciding between teachers in the 1611  
same numerical category under division (B)(1) of section 3311.83 1612  
of the Revised Code whose quality of performance, as measured in 1613  
accordance with division (B) of that section, has been determined 1614  
to be comparable. 1615

(F) The board, in consultation with teachers employed by the 1616  
board, shall adopt procedures under which a teacher who disagrees 1617  
with the results of the teacher's evaluation may request a review 1618  
and revision of the results. The decision, after review of the 1619  
evaluation results, to uphold or revise those results shall be 1620  
final and shall not be subject to further appeal. 1621

(G) Notwithstanding division (A) of section 4117.10 of the 1622

Revised Code, a teacher may not challenge the results of an 1623  
evaluation, or a decision to uphold or revise those results issued 1624  
under division (F) of this section, through the grievance 1625  
procedure specified in any applicable collective bargaining 1626  
agreement. However, the teacher may challenge any violations of 1627  
the board's evaluation procedures through the grievance procedure 1628  
specified in any applicable collective bargaining agreement, 1629  
within thirty days after the date on which the teacher receives 1630  
the evaluation, on the grounds that the board has not complied 1631  
with this section. A challenge under this division is limited to 1632  
the determination of procedural errors and to ordering the 1633  
correction of procedural errors. The arbitrator shall have no 1634  
jurisdiction to order the board to modify the evaluation results 1635  
or any decision taken pursuant to division (E) of this section 1636  
that is based on those results. 1637

(H) Notwithstanding any provision to the contrary in Chapter 1638  
4117. of the Revised Code, the requirements of this section 1639  
prevail over any conflicting provisions of a collective bargaining 1640  
agreement entered into on or after the effective date of this 1641  
section. 1642

(I) This section does not apply to administrators appointed 1643  
by the chief executive officer of a municipal school district 1644  
under section 3311.72 of the Revised Code, administrators subject 1645  
to evaluation procedures under section 3311.84 or 3319.02 of the 1646  
Revised Code, or to any teacher employed as a substitute for less 1647  
than one hundred twenty days during a school year pursuant to 1648  
section 3319.10 of the Revised Code. 1649

**Sec. 3311.81.** Notwithstanding any provision of the Revised 1650  
Code to the contrary, and except as otherwise specified in 1651  
division (F) of this section, a municipal school district shall be 1652  
subject to this section instead of section 3319.11 of the Revised 1653

Code. 1654

(A) As used in this section: 1655

(1) "Evaluation procedures" means the procedures required by 1656  
the policy adopted pursuant to division (A) of section 3311.80 of 1657  
the Revised Code. 1658

(2) "Limited contract" means a limited contract, as described 1659  
in section 3311.77 of the Revised Code, that the board of 1660  
education of a municipal school district enters into with a 1661  
teacher who is not eligible for a continuing contract. 1662

(3) "Extended limited contract" means a limited contract, as 1663  
described in section 3311.77 of the Revised Code, that the board 1664  
enters into with a teacher who is eligible for a continuing 1665  
contract, but to whom a continuing contract has not been granted 1666  
by the board. 1667

(B) The board of education of each municipal school district 1668  
shall enter into a limited contract with each teacher employed by 1669  
the board who is not eligible to be considered for a continuing 1670  
contract. 1671

Any teacher employed under a limited contract, and not 1672  
eligible to be considered for a continuing contract, is, at the 1673  
expiration of such limited contract, considered re-employed at the 1674  
same salary plus any increment provided by the salary schedule 1675  
unless evaluation procedures have been complied with and the 1676  
board, acting upon the written recommendation of the district's 1677  
chief executive officer that the teacher not be re-employed, gives 1678  
such teacher written notice of its intention not to re-employ such 1679  
teacher on or before the first day of June. A teacher who does not 1680  
have evaluation procedures applied or who does not receive notice 1681  
of the intention of the board not to re-employ such teacher on or 1682  
before the first day of June is presumed to have accepted such 1683

employment unless such teacher notifies the board in writing to 1684  
the contrary on or before the fifteenth day of June, and a written 1685  
contract for the succeeding school year shall be executed 1686  
accordingly. 1687

Any teacher receiving a written notice of the intention of 1688  
the board not to re-employ such teacher pursuant to this division 1689  
is entitled to the hearing provisions of division (D) of this 1690  
section. 1691

(C) The failure of the chief executive officer to make a 1692  
recommendation to the board under division (B) of this section, or 1693  
the failure of the board to give the teacher written notice under 1694  
that division, shall result in the teacher being automatically 1695  
re-employed under a limited contract for a period of one year, 1696  
unless the board has indicated its intent to re-employ the teacher 1697  
by offering the teacher a new limited contract. A failure of the 1698  
parties to execute a written contract shall not void the automatic 1699  
re-employment provisions of this section. 1700

(D)(1) Any teacher receiving written notice of the intention 1701  
of the board not to re-employ such teacher pursuant to division 1702  
(B) of this section may, within ten days of the date of receipt of 1703  
the notice, file with the chief financial officer of the district 1704  
a written demand for a written statement describing the 1705  
circumstances that led to the board's intention not to re-employ 1706  
the teacher. 1707

(2) The chief financial officer, on behalf of the board, 1708  
shall, within ten days of the date of receipt of a written demand 1709  
for a written statement pursuant to division (D)(1) of this 1710  
section, provide to the teacher a written statement describing the 1711  
circumstances that led to the board's intention not to re-employ 1712  
the teacher. 1713

(3) Any teacher receiving a written statement describing the 1714



circumstances that led to the board's intention not to re-employ 1715  
the teacher pursuant to division (D)(2) of this section may, 1716  
within five days of the date of receipt of the statement, file 1717  
with the chief financial officer a written demand for a hearing 1718  
before the board pursuant to divisions (D)(4) to (6) of this 1719  
section. 1720

(4) The chief financial officer, on behalf of the board, 1721  
shall, within ten days of the date of receipt of a written demand 1722  
for a hearing pursuant to division (D)(3) of this section, provide 1723  
to the teacher a written notice setting forth the time, date, and 1724  
place of the hearing. The board shall schedule and conclude the 1725  
hearing within forty days of the date on which the chief financial 1726  
officer receives the written demand for a hearing pursuant to 1727  
division (D)(3) of this section. 1728

(5) Any hearing conducted pursuant to this division shall be 1729  
conducted by a majority of the members of the board. The hearing 1730  
shall be held in executive session of the board, unless the board 1731  
and the teacher agree to hold the hearing in public. The chief 1732  
executive officer, a designee of the chief executive officer, the 1733  
principal of the school to which the teacher is assigned, the 1734  
teacher, and any person designated by either party to take a 1735  
record of the hearing may be present at the hearing. The board may 1736  
be represented by counsel and the teacher may be represented by 1737  
counsel or a designee. A record of the hearing may be taken by 1738  
either party at the expense of the party taking the record. 1739

(6) Within ten days of the conclusion of a hearing conducted 1740  
pursuant to division (D)(5) of this section, the board shall issue 1741  
to the teacher a written decision containing an order affirming 1742  
the intention of the board not to re-employ the teacher reported 1743  
in the notice given to the teacher under division (B) of this 1744  
section or an order vacating the intention not to re-employ and 1745  
expunging any record of the intention, notice of the intention, 1746

and the hearing. 1747

(E)(1) In giving a teacher the notice required by division 1748  
(B) of this section, the board shall do one of the following: 1749

(a) Deliver the notice by personal service upon the teacher; 1750

(b) Deliver the notice by certified mail, return receipt 1751  
requested, addressed to the teacher at the teacher's place of 1752  
employment; 1753

(c) Deliver the notice by certified mail, return receipt 1754  
requested, addressed to the teacher at the teacher's place of 1755  
residence. 1756

(2) In giving the board any notice required by division (B) 1757  
of this section, the teacher shall do either of the following: 1758

(a) Deliver the notice by personal delivery to the office of 1759  
the chief executive officer during regular business hours; 1760

(b) Deliver the notice by certified mail, return receipt 1761  
requested, addressed to the office of the chief executive officer 1762  
and deliver a copy of the notice by certified mail, return receipt 1763  
requested, addressed to the president of the board at the 1764  
president's place of residence. 1765

(3) When any notice or copy of the notice is mailed pursuant 1766  
to division (E)(2)(b) of this section, the notice or copy of the 1767  
notice with the earlier date of receipt shall constitute the 1768  
notice for the purposes of division (B) of this section. 1769

(F)(1) Upon the recommendation of the chief executive officer 1770  
that a teacher who satisfies the criteria in division (E)(2) or 1771  
(3) of section 3311.77 of the Revised Code and has taught in the 1772  
district for the number of years required under division (B) of 1773  
section 3319.11 of the Revised Code be re-employed, the board 1774  
shall enter into a continuing contract with the teacher, unless 1775  
the board by a three-fourths vote of its full membership rejects 1776

the recommendation of the chief executive officer. If the board 1777  
rejects the recommendation, or if the chief executive officer 1778  
recommends that a teacher who satisfies the criteria in division 1779  
(E)(2) or (3) of section 3311.77 of the Revised Code and has 1780  
taught in the district for the number of years required under 1781  
division (B) of section 3319.11 of the Revised Code not be 1782  
re-employed, the board may proceed not to renew the teacher's 1783  
contract in accordance with this section as if the teacher was not 1784  
eligible to be considered for a continuing contract. 1785

(2) In the event the chief executive officer does not 1786  
recommend to the board that a teacher who satisfies the criteria 1787  
in division (E)(2) or (3) of section 3311.77 of the Revised Code 1788  
and has taught in the district for the number of years required 1789  
under division (B) of section 3319.11 of the Revised Code receive 1790  
a continuing contract, the chief executive officer may recommend 1791  
to the board that the teacher receive an extended limited 1792  
contract. In that event, the board shall provide the teacher 1793  
written notice, not less than five business days prior to any 1794  
board action on the recommendation, and reasons directed at 1795  
professional development. The board shall act on an extended 1796  
limited contract, and the teacher shall be provided with reasons 1797  
directed at professional development, not later than the first day 1798  
of June. An extended limited contract may be issued: 1799

(a) For a teacher who has been awarded a continuing contract 1800  
in another school district and has served in the municipal school 1801  
district for two years, in one-year increments or for multiple 1802  
years, in no event to exceed a total of two years; 1803

(b) For a teacher who is newly eligible for a continuing 1804  
contract, for a term not to exceed four years. 1805

Upon any subsequent reemployment of the teacher after the 1806  
expiration of the extended limited contract or contracts, only a 1807  
continuing contract may be entered into. The teacher is presumed 1808

to have accepted employment under such continuing contract unless 1809  
the teacher notifies the board in writing to the contrary before 1810  
the first day of June, and a continuing contract shall be executed 1811  
accordingly. 1812

(G) The provisions of this section shall not apply to any 1813  
supplemental written contracts entered into pursuant to section 1814  
3311.77 of the Revised Code. 1815

(H) Notwithstanding any provision to the contrary in Chapter 1816  
4117. of the Revised Code, the requirements of this section 1817  
prevail over any conflicting provisions of a collective bargaining 1818  
agreement entered into on or after the effective date of this 1819  
section. 1820

Sec. 3311.82. Notwithstanding any provision of the Revised 1821  
Code to the contrary, a municipal school district shall be subject 1822  
to this section instead of sections 3319.16 and 3319.161 of the 1823  
Revised Code with respect to termination of teacher contracts, but 1824  
those sections shall apply to the district with respect to 1825  
termination of contracts with other district employees licensed by 1826  
the state board of education, subject to division (F) of section 1827  
3311.84 of the Revised Code. 1828

(A) The board of education of a municipal school district may 1829  
terminate the contract of a teacher employed by the board only for 1830  
good and just cause. In addition, the board may place a teacher on 1831  
disciplinary suspension for a definite period of time for good and 1832  
just cause. For purposes of contract terminations, good and just 1833  
cause shall include receiving an evaluation rating of ineffective 1834  
under section 3311.80 of the Revised Code for two consecutive 1835  
years. 1836

(B) The chief executive officer of the district, prior to 1837  
recommending to the board that a teacher be terminated or placed 1838  
on disciplinary suspension, shall appoint a designee to conduct an 1839

investigation and hold a fact-finding hearing to determine if 1840  
consideration of termination or suspension is warranted. The 1841  
designee shall provide the teacher with written notice of the 1842  
grounds for the investigation and shall provide the teacher an 1843  
opportunity to respond to the grounds during the fact-finding 1844  
hearing. The fact-finding hearing shall be held within twenty-one 1845  
days after receipt of the notice by the teacher, unless the 1846  
teacher and the designee agree to an extension. The teacher may 1847  
have a representative of the teacher's labor organization present 1848  
during the fact-finding hearing. If the designee considers 1849  
termination or disciplinary suspension to be warranted, within 1850  
fourteen days after the fact-finding hearing, the designee shall 1851  
provide the teacher with written notice of the designee's 1852  
intention to recommend termination or suspension to the chief 1853  
executive officer. 1854

(C)(1) After considering the designee's recommendation under 1855  
division (B) of this section, if the chief executive officer 1856  
determines that termination or disciplinary suspension of the 1857  
teacher is warranted, within fourteen days after receiving the 1858  
designee's recommendation, the chief executive officer shall 1859  
provide the teacher written notice of the chief executive 1860  
officer's intention to recommend termination or suspension to the 1861  
board. The notice shall be sent by certified mail and shall 1862  
include full specification of the grounds for the recommendation. 1863

(2) The chief executive officer may suspend a teacher without 1864  
pay and benefits pending final action of the board to terminate 1865  
the teacher's contract, if the board has delegated such authority 1866  
to the chief executive officer and, in the chief executive 1867  
officer's judgment, the character of the charges warrants such 1868  
action. If the chief executive officer suspends the teacher under 1869  
division (C)(2) of this section, the chief executive officer shall 1870  
provide written notice of the suspension to the teacher by 1871

certified mail. 1872

(D) The board shall not proceed with formal action to 1873  
terminate the teacher's contract or place the teacher on 1874  
disciplinary suspension until after the tenth day after the 1875  
teacher's receipt of the notice under division (C)(1) of this 1876  
section. Within ten days after receipt of the notice, the teacher 1877  
may file with the chief financial officer of the district a 1878  
written demand for an opportunity to address the board regarding 1879  
the chief executive officer's recommendation. 1880

(E) A teacher whose contract is terminated or who is placed 1881  
on disciplinary suspension under this section may request final 1882  
and binding arbitration in accordance with the grievance 1883  
procedures specified in any applicable collective bargaining 1884  
agreement. The failure of the board, chief executive officer, or 1885  
designee of the chief executive officer to strictly comply with 1886  
any deadline established by this section shall not be cause for an 1887  
arbitrator to overturn the termination or disciplinary suspension, 1888  
unless the arbitrator finds that the failure resulted in 1889  
substantive harm to the teacher. The teacher may appeal to the 1890  
court of common pleas regarding the termination or disciplinary 1891  
suspension only on the grounds prescribed in Chapter 2711. of the 1892  
Revised Code. 1893

(F) Notwithstanding any provision to the contrary in Chapter 1894  
4117. of the Revised Code: 1895

(1) The provisions of section 3319.16 of the Revised Code 1896  
relating to the grounds for termination of the contract of a 1897  
teacher prevail over any conflicting provisions of a collective 1898  
bargaining agreement entered into prior to the effective date of 1899  
this section. 1900

(2) The requirements of this section prevail over any 1901  
conflicting provisions of a collective bargaining agreement 1902

entered into on or after the effective date of this section. 1903

(G) A violation of division (A)(7) of section 2907.03 of the 1904  
Revised Code is grounds for termination or disciplinary suspension 1905  
of a teacher under this section. 1906

**Sec. 3311.83.** Notwithstanding any provision of the Revised 1907  
Code to the contrary, and except as otherwise specified in 1908  
division (F)(1) of this section, a municipal school district shall 1909  
be subject to this section instead of section 3319.17 of the 1910  
Revised Code with respect to suspension of teacher contracts, but 1911  
section 3319.17 or 3319.171 of the Revised Code shall apply to the 1912  
district with respect to suspension of contracts of other district 1913  
employees licensed by the state board of education. 1914

(A) When, for any of the following reasons that apply to a 1915  
municipal school district, the district board of education decides 1916  
that it will be necessary to reduce the number of teachers it 1917  
employs, it may make a reasonable reduction: 1918

(1) Return to duty of regular teachers after leaves of 1919  
absence, including leaves of absence provided pursuant to section 1920  
3319.13 or 3319.14 of the Revised Code; 1921

(2) Decreased enrollment of students in the district; 1922

(3) Academic reasons resulting in consolidation of teaching 1923  
positions, duties, or functions or resulting in changes in 1924  
educational programs; 1925

(4) Financial reasons; 1926

(5) Territorial changes affecting the district. 1927

(B) In making any such reduction, the board shall proceed to 1928  
suspend contracts in accordance with the recommendation of the 1929  
district's chief executive officer and divisions (B)(1) to (3) of 1930  
this section. 1931

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(1) Each teacher affected by the reduction, based on area of licensure, shall be placed in one of the following categories:

(a) Category 1A, which shall contain all teachers on limited contracts with a composite evaluation rating of ineffective;

(b) Category 1B, which shall contain all teachers on continuing contracts with a composite evaluation rating of ineffective;

(c) Category 2A, which shall contain all teachers on limited contracts with a composite evaluation rating of developing;

(d) Category 2B, which shall contain all teachers on continuing contracts with a composite evaluation rating of developing;

(e) Category 3A, which shall contain all teachers on limited contracts with a composite evaluation rating of proficient;

(f) Category 3B, which shall contain all teachers on continuing contracts with a composite evaluation rating of proficient;

(g) Category 4A, which shall contain all teachers on limited contracts with a composite evaluation rating of accomplished;

(h) Category 4B, which shall contain all teachers on continuing contracts with a composite evaluation rating of accomplished.

(2) Reductions shall be made starting with teachers in category 1A and shall proceed sequentially through teachers in category 4B, until all necessary reductions have occurred.

(3) Specialized training and experience shall be a factor in the order of reductions, regardless of a teacher's contract status or evaluation performance.



(C) On a case-by-case basis, in lieu of suspending a contract 1961  
in whole, the board may suspend a contract in part, so that an 1962  
individual is required to work a percentage of the time the 1963  
employee otherwise is required to work under the contract and 1964  
receives a commensurate percentage of the full compensation the 1965  
employee otherwise would receive under the contract. 1966

(D) The teachers whose continuing contracts are suspended by 1967  
the board pursuant to this section shall have the right of 1968  
restoration to continuing service status by the board if and when 1969  
teaching positions become vacant or are created for which the 1970  
teachers are or become qualified. The board shall rehire teachers 1971  
in accordance with the recommendation of the chief executive 1972  
officer. The board shall consider the overall quality of 1973  
performance, as measured in accordance with division (B) of this 1974  
section, the principal factor in the order of rehiring. No teacher 1975  
whose continuing contract has been suspended pursuant to this 1976  
section shall lose the right of restoration to continuing service 1977  
status by reason of having declined recall to a position that is 1978  
less than full-time or, if the teacher was not employed full-time 1979  
just prior to suspension of the teacher's continuing contract, to 1980  
a position requiring a lesser percentage of full-time employment 1981  
than the position the teacher last held while employed in the 1982  
district. 1983

(E) When suspending contracts or rehiring teachers under this 1984  
section, the board shall not give preference to any teacher based 1985  
on seniority or continuing contract status, except that the board 1986  
may consider seniority or continuing contract status when deciding 1987  
between teachers in the same numerical category under division 1988  
(B)(1) of this section whose overall quality of performance, as 1989  
measured in accordance with division (B) of this section, has been 1990  
determined to be comparable. 1991

(F) Notwithstanding any provision to the contrary in Chapter 1992

<u>4117. of the Revised Code:</u>	1993
<u>(1) The requirements of section 3319.17 of the Revised Code</u>	1994
<u>prevail over any conflicting provisions of a collective bargaining</u>	1995
<u>agreement entered into prior to the effective date of this</u>	1996
<u>section.</u>	1997
<u>(2) The requirements of this section prevail over any</u>	1998
<u>conflicting provisions of a collective bargaining agreement</u>	1999
<u>entered into on or after the effective date of this section. In</u>	2000
<u>addition, the board and the representative of the teachers'</u>	2001
<u>employment organization may negotiate additional factors to be</u>	2002
<u>considered in determining the order of reductions, which factors</u>	2003
<u>shall not be inconsistent with division (B) of this section.</u>	2004
<u>Sec. 3311.84. Notwithstanding any provision of the Revised</u>	2005
<u>Code to the contrary, a municipal school district shall be subject</u>	2006
<u>to this section instead of division (D) of section 3319.02 of the</u>	2007
<u>Revised Code with respect to principals and assistant principals,</u>	2008
<u>but all other provisions of that section shall apply to the</u>	2009
<u>district with respect to principals and assistant principals.</u>	2010
<u>Section 3319.02 of the Revised Code in its entirety shall apply to</u>	2011
<u>the district with respect to employees other than principals and</u>	2012
<u>assistant principals who are covered by that section, except as</u>	2013
<u>otherwise provided in section 3311.72 of the Revised Code.</u>	2014
<u>(A) As used in this section, "principal" includes an</u>	2015
<u>assistant principal.</u>	2016
<u>(B) The board of education of each municipal school district</u>	2017
<u>shall adopt procedures for the evaluation of principals and shall</u>	2018
<u>evaluate all principals in accordance with those procedures. The</u>	2019
<u>procedures shall be based on principles comparable to the teacher</u>	2020
<u>evaluation policy adopted by the board under section 3311.80 of</u>	2021
<u>the Revised Code, but shall be tailored to the duties and</u>	2022
<u>responsibilities of principals and the environment in which</u>	2023

principals work. Each evaluation shall measure the principal's effectiveness in performing the duties included in the principal's job description and shall be considered by the board in deciding whether to renew the principal's contract of employment. 2024  
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(C) The evaluation procedures adopted under this section shall require each principal to be evaluated annually through a written evaluation process. The evaluation shall be conducted by the chief executive officer of the district, or the chief executive officer's designee. 2028  
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(D) To provide time to show progress in correcting deficiencies identified in the evaluation, each evaluation shall be completed as follows: 2033  
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(1) In any school year that the principal's contract of employment is not due to expire, at least one evaluation shall be completed in that year. A written copy of the evaluation shall be provided to the principal by the end of the principal's contract year as defined by the principal's annual salary notice. 2036  
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(2) In any school year that the principal's contract of employment is due to expire, at least a preliminary evaluation and a final evaluation shall be completed in that year. A written copy of the preliminary evaluation shall be provided to the principal at least sixty days prior to any action by the board on the principal's contract of employment. The final evaluation shall indicate the chief executive officer's intended recommendation to the board regarding a contract of employment for the principal. A written copy of the final evaluation shall be provided to the principal at least five days prior to the chief executive officer making the recommendation to the board. 2041  
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(E) At least thirty days prior to taking action to renew or not renew the contract of a principal, the board shall notify the principal of the board's intended action and that the principal 2052  
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may request a meeting with the board regarding the board's 2055  
intended action. Upon request of the principal, the board shall 2056  
grant the principal a meeting in executive session. In that 2057  
meeting, the board shall discuss its reasons for considering 2058  
renewal or nonrenewal of the contract. The principal shall be 2059  
permitted to have a representative, chosen by the principal, 2060  
present at the meeting. 2061

The establishment of evaluation procedures in accordance with 2062  
this section shall not create an expectancy of continued 2063  
employment. Nothing in this section shall prevent the board from 2064  
making the final determination regarding the renewal or nonrenewal 2065  
of a principal's contract. 2066

(F) Termination of a principal's contract shall be in 2067  
accordance with section 3319.16 of the Revised Code, except as 2068  
follows: 2069

(1) Failure of the principal's building to meet academic 2070  
performance standards established by the chief executive officer 2071  
shall be considered good and just cause for termination under that 2072  
section. 2073

(2) If the chief executive officer intends to recommend to 2074  
the board that the principal's contract be terminated, the chief 2075  
executive officer shall provide the principal a written copy of 2076  
the principal's evaluation at least five days prior to making the 2077  
recommendation to the board. 2078

**Sec. 3311.85.** (A) The board of education of each municipal 2079  
school district annually shall approve a calendar or calendars 2080  
establishing a school year that complies with the minimum school 2081  
year prescribed by section 3313.48 of the Revised Code. At the 2082  
board's discretion, the board may establish a school calendar for 2083  
one or more of the district's school buildings that provides for 2084  
additional student days beyond the minimum prescribed by that 2085

section or year-round instruction. 2086

(B) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the requirements and authorizations of this section prevail over any conflicting provisions of a collective bargaining agreement entered into on or after the effective date of this section. 2087  
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**Sec. 3311.86. (A) As used in this section:** 2092

(1) "Alliance" means a municipal school district transformation alliance established as a nonprofit corporation. 2093  
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(2) "Alliance municipal school district" means a municipal school district for which an alliance has been created under this section. 2095  
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(3) "Partnering community school" means a community school established under Chapter 3314. of the Revised Code that is located within the territory of a municipal school district and is sponsored by the district, receives services from the district, leases a building from the district, or is a party to an agreement with the district whereby the district and the community school endorse each other's programs. 2098  
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(4) "Transformation alliance education plan" means a plan prepared by the mayor, and confirmed by the alliance, to transform public education in the alliance municipal school district to a system of municipal school district schools and partnering community schools that will be held to the highest standards of school performance and student achievement. 2105  
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(B) If one or more partnering community schools are located in a municipal school district, the mayor may initiate proceedings to establish a municipal school district transformation alliance as a nonprofit corporation under Chapter 1702. of the Revised Code. The mayor shall appoint the initial directors of any 2111  
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alliance created under this section. The directors of the alliance 2116  
shall include representatives of all of the following: 2117

(1) The municipal school district; 2118

(2) Partnering community schools; 2119

(3) Members of the community at large, including parents and 2120  
educators; 2121

(4) The business community, including business leaders and 2122  
foundation leaders. 2123

No one group listed in divisions (B)(1) to (4) of this 2124  
section shall comprise a majority of the directors. The mayor 2125  
shall be an ex officio director, and serve as the chairperson of 2126  
the board of directors, of any alliance created under this 2127  
section. If the proceedings are initiated, the mayor shall 2128  
identify the initial directors in the articles of incorporation 2129  
filed under section 1702.04 of the Revised Code. 2130

(C) If an alliance is created under this section, the 2131  
alliance shall do all of the following: 2132

(1) Confirm and monitor implementation of the transformation 2133  
alliance education plan; 2134

(2) Suggest national education models and develop venues for 2135  
the community and institutions within the territory of the 2136  
alliance municipal school district to provide input in the 2137  
development of new schools within the territory of the district; 2138

(3) Work with the alliance municipal school district and 2139  
partnering community schools to adopt a comprehensive, 2140  
evidence-based framework to assess district and community schools 2141  
and advocate for school performance accountability with the 2142  
department of education. The alliance annually shall assess the 2143  
performance of district schools and community schools using the 2144  
framework adopted under this division. 2145

(4) Communicate school choices within the territory of the alliance municipal school district by publishing and making available to parents and guardians of students an annual report summarizing the alliance's assessments of district and community school performance and providing, during the intradistrict open enrollment period under section 3313.97 of the Revised Code, information about educational choices; 2146  
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(5) Assess community school growth and quality by applying national quality standards as they relate to the opening of community schools located within the territory of the alliance municipal school district or the closure of failing community schools located within the territory of the alliance municipal school district. 2153  
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(D) Divisions (D)(1) to (6) of this section apply to each community school proposed to be located in an alliance municipal school district and for which a contract under section 3314.03 of the Revised Code has not been signed prior to the effective date of this section. 2159  
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(1) Before the governing authority of a community school to which this division applies enters into a contract with a sponsor under section 3314.03 of the Revised Code, the governing authority shall request and receive approval from the alliance to establish the community school. 2164  
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(2) Before a person, group of individuals, or entity applies to the department of education under section 3314.029 of the Revised Code for authorization to establish a community school to which this division applies, the person, group, or entity shall request and receive approval from the alliance to establish the community school. 2169  
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(3) Each person or group of individuals that enters into a preliminary agreement under division (C) of section 3314.02 of the 2175  
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Revised Code for a community school that is subject to this 2177  
division immediately shall file a copy of the agreement, and each 2178  
amendment or supplement to the agreement, with the alliance. 2179

(4) The governing authority of each community school that is 2180  
subject to this division immediately shall file a copy of the 2181  
contract it enters into under section 3314.03 of the Revised Code, 2182  
and each amendment or supplement to the contract, with the 2183  
alliance. 2184

(5) The alliance, in consultation with the department of 2185  
education, shall establish objective criteria to be used in 2186  
determining approval of community schools under this section and 2187  
shall make the criteria available to community schools requesting 2188  
approval under this section. 2189

(6) A governing authority, person, group, or entity whose 2190  
request under division (D)(1) or (2) of this section is denied may 2191  
appeal to the department of education to review the alliance's 2192  
decision. The department, using only the criteria established 2193  
under division (D)(5) of this section, may affirm or reverse the 2194  
alliance's decision. If the department reverses the alliance's 2195  
decision, the governing authority may enter into a contract under 2196  
section 3314.03 of the Revised Code, or the person, group, or 2197  
entity may apply for authorization under section 3314.029 of the 2198  
Revised Code. 2199

(E) Directors, officers, and employees of an alliance are not 2200  
public employees or public officials, are not subject to Chapters 2201  
124., 145., and 4117. of the Revised Code, and are not "public 2202  
officials" or "public servants" as defined in section 2921.01 of 2203  
the Revised Code. Membership on the board of directors of an 2204  
alliance does not constitute the holding of an incompatible public 2205  
office or employment in violation of any statutory or common law 2206  
prohibition against the simultaneous holding of more than one 2207  
public office or employment. Members of the board of directors of 2208



an alliance are not disqualified from holding any public office by 2209  
reason of that membership, and do not forfeit by reason of that 2210  
membership the public office or employment held when appointed to 2211  
the board, notwithstanding any contrary disqualification or 2212  
forfeiture requirement under the Revised Code or the common law of 2213  
this state. 2214

**Sec. 3313.41.** (A) Except as provided in divisions (C), (D), 2215  
(F), and (G) of this section or section 3313.412 of the Revised 2216  
Code, when a board of education decides to dispose of real or 2217  
personal property that it owns in its corporate capacity and that 2218  
exceeds in value ten thousand dollars, it shall sell the property 2219  
at public auction, after giving at least thirty days' notice of 2220  
the auction by publication in a newspaper of general circulation 2221  
in the school district, by publication as provided in section 7.16 2222  
of the Revised Code, or by posting notices in five of the most 2223  
public places in the school district in which the property, if it 2224  
is real property, is situated, or, if it is personal property, in 2225  
the school district of the board of education that owns the 2226  
property. The board may offer real property for sale as an entire 2227  
tract or in parcels. 2228

(B) When the board of education has offered real or personal 2229  
property for sale at public auction at least once pursuant to 2230  
division (A) of this section, and the property has not been sold, 2231  
the board may sell it at a private sale. Regardless of how it was 2232  
offered at public auction, at a private sale, the board shall, as 2233  
it considers best, sell real property as an entire tract or in 2234  
parcels, and personal property in a single lot or in several lots. 2235

(C) If a board of education decides to dispose of real or 2236  
personal property that it owns in its corporate capacity and that 2237  
exceeds in value ten thousand dollars, it may sell the property to 2238  
the adjutant general; to any subdivision or taxing authority as 2239

respectively defined in divisions (A) and (C) of section 5705.01 2240  
of the Revised Code, township park district, board of park 2241  
commissioners established under Chapter 755. of the Revised Code, 2242  
or park district established under Chapter 1545. of the Revised 2243  
Code; to a wholly or partially tax-supported university, 2244  
university branch, or college; or to the board of trustees of a 2245  
school district library, upon such terms as are agreed upon. The 2246  
sale of real or personal property to the board of trustees of a 2247  
school district library is limited, in the case of real property, 2248  
to a school district library within whose boundaries the real 2249  
property is situated, or, in the case of personal property, to a 2250  
school district library whose boundaries lie in whole or in part 2251  
within the school district of the selling board of education. 2252

(D) When a board of education decides to trade as a part or 2253  
an entire consideration, an item of personal property on the 2254  
purchase price of an item of similar personal property, it may 2255  
trade the same upon such terms as are agreed upon by the parties 2256  
to the trade. 2257

(E) The president and the treasurer of the board of education 2258  
shall execute and deliver deeds or other necessary instruments of 2259  
conveyance to complete any sale or trade under this section. 2260

(F) When a board of education has identified a parcel of real 2261  
property that it determines is needed for school purposes, the 2262  
board may, upon a majority vote of the members of the board, 2263  
acquire that property by exchanging real property that the board 2264  
owns in its corporate capacity for the identified real property or 2265  
by using real property that the board owns in its corporate 2266  
capacity as part or an entire consideration for the purchase price 2267  
of the identified real property. Any exchange or acquisition made 2268  
pursuant to this division shall be made by a conveyance executed 2269  
by the president and the treasurer of the board. 2270

(G) ~~When~~ This division does not apply to a municipal school 2271

district to which section 3313.412 of the Revised Code applies. 2272

When a school district board of education decides to dispose 2273  
of real property, prior to disposing of that property under 2274  
divisions (A) to (F) of this section, it shall first offer that 2275  
property for sale to the governing authorities of the start-up 2276  
community schools established under Chapter 3314. of the Revised 2277  
Code located within the territory of the school district, at a 2278  
price that is not higher than the appraised fair market value of 2279  
that property. If more than one community school governing 2280  
authority accepts the offer made by the school district board, the 2281  
board shall sell the property to the governing authority that 2282  
accepted the offer first in time. If no community school governing 2283  
authority accepts the offer within sixty days after the offer is 2284  
made by the school district board, the board may dispose of the 2285  
property in the applicable manner prescribed under divisions (A) 2286  
to (F) of this section. 2287

(H) When a school district board of education has property 2288  
that the board, by resolution, finds is not needed for school 2289  
district use, is obsolete, or is unfit for the use for which it 2290  
was acquired, the board may donate that property in accordance 2291  
with this division if the fair market value of the property is, in 2292  
the opinion of the board, two thousand five hundred dollars or 2293  
less. 2294

The property may be donated to an eligible nonprofit 2295  
organization that is located in this state and is exempt from 2296  
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 2297  
Before donating any property under this division, the board shall 2298  
adopt a resolution expressing its intent to make unneeded, 2299  
obsolete, or unfit-for-use school district property available to 2300  
these organizations. The resolution shall include guidelines and 2301  
procedures the board considers to be necessary to implement the 2302  
donation program and shall indicate whether the school district 2303

will conduct the donation program or the board will contract with 2304  
a representative to conduct it. If a representative is known when 2305  
the resolution is adopted, the resolution shall provide contact 2306  
information such as the representative's name, address, and 2307  
telephone number. 2308

The resolution shall include within its procedures a 2309  
requirement that any nonprofit organization desiring to obtain 2310  
donated property under this division shall submit a written notice 2311  
to the board or its representative. The written notice shall 2312  
include evidence that the organization is a nonprofit organization 2313  
that is located in this state and is exempt from federal income 2314  
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 2315  
the organization's primary purpose; a description of the type or 2316  
types of property the organization needs; and the name, address, 2317  
and telephone number of a person designated by the organization's 2318  
governing board to receive donated property and to serve as its 2319  
agent. 2320

After adoption of the resolution, the board shall publish, in 2321  
a newspaper of general circulation in the school district or as 2322  
provided in section 7.16 of the Revised Code, notice of its intent 2323  
to donate unneeded, obsolete, or unfit-for-use school district 2324  
property to eligible nonprofit organizations. The notice shall 2325  
include a summary of the information provided in the resolution 2326  
and shall be published twice. The second notice shall be published 2327  
not less than ten nor more than twenty days after the previous 2328  
notice. A similar notice also shall be posted continually in the 2329  
board's office. If the school district maintains a web site on the 2330  
internet, the notice shall be posted continually at that web site. 2331

The board or its representatives shall maintain a list of all 2332  
nonprofit organizations that notify the board or its 2333  
representative of their desire to obtain donated property under 2334  
this division and that the board or its representative determines 2335

to be eligible, in accordance with the requirements set forth in 2336  
this section and in the donation program's guidelines and 2337  
procedures, to receive donated property. 2338

The board or its representative also shall maintain a list of 2339  
all school district property the board finds to be unneeded, 2340  
obsolete, or unfit for use and to be available for donation under 2341  
this division. The list shall be posted continually in a 2342  
conspicuous location in the board's office, and, if the school 2343  
district maintains a web site on the internet, the list shall be 2344  
posted continually at that web site. An item of property on the 2345  
list shall be donated to the eligible nonprofit organization that 2346  
first declares to the board or its representative its desire to 2347  
obtain the item unless the board previously has established, by 2348  
resolution, a list of eligible nonprofit organizations that shall 2349  
be given priority with respect to the item's donation. Priority 2350  
may be given on the basis that the purposes of a nonprofit 2351  
organization have a direct relationship to specific school 2352  
district purposes of programs provided or administered by the 2353  
board. A resolution giving priority to certain nonprofit 2354  
organizations with respect to the donation of an item of property 2355  
shall specify the reasons why the organizations are given that 2356  
priority. 2357

Members of the board shall consult with the Ohio ethics 2358  
commission, and comply with Chapters 102. and 2921. of the Revised 2359  
Code, with respect to any donation under this division to a 2360  
nonprofit organization of which a board member, any member of a 2361  
board member's family, or any business associate of a board member 2362  
is a trustee, officer, board member, or employee. 2363

**Sec. 3313.411.** ~~(A)~~ This section does not apply to a municipal 2364  
school district to which section 3313.412 of the Revised Code 2365  
applies. 2366

(A) As used in this section, "unused school facilities" means 2367  
any real property that has been used by a school district for 2368  
school operations, including, but not limited to, academic 2369  
instruction or administration, since July 1, 1998, but has not 2370  
been used in that capacity for two years. 2371

(B) On and after ~~the effective date of this section~~ June 30, 2372  
2011, any school district board of education shall offer any 2373  
unused school facilities it owns in its corporate capacity for 2374  
lease or sale to the governing authorities of community schools 2375  
established under Chapter 3314. of the Revised Code that are 2376  
located within the territory of the school district. 2377

(1) If, not later than sixty days after the district board 2378  
makes the offer, the governing authority of one community school 2379  
located within the territory of the school district notifies the 2380  
district treasurer in writing of its intention to purchase the 2381  
property, the district board shall sell the property to the 2382  
community school for the appraised fair market value of the 2383  
property. 2384

(2) If, not later than sixty days after the district board 2385  
makes the offer, the governing authorities of two or more 2386  
community schools located within the territory of the school 2387  
district notify the district treasurer in writing of their 2388  
intention to purchase the property, the board shall conduct a 2389  
public auction in the manner required for auctions of district 2390  
property under division (A) of section 3313.41 of the Revised 2391  
Code. Only the governing authorities of all community schools 2392  
located within the territory of the school district are eligible 2393  
to bid at the auction. The district board is not obligated to 2394  
accept any bid for the property that is lower than the appraised 2395  
fair market value of the property. 2396

(3) If the governing authorities of two or more community 2397  
schools located within the territory of the school district notify 2398

the district treasurer in writing of their intention to lease the 2399  
property, the district board shall conduct a lottery to select the 2400  
community school to which the district board shall lease the 2401  
property. 2402

(4) The lease price offered by a district board to the 2403  
governing authority of a community school under this section shall 2404  
not be higher than the fair market value for such a leasehold. 2405

(5) If no community school governing authority accepts the 2406  
offer to lease or buy the property within sixty days after the 2407  
offer is made, the district board may offer the property to any 2408  
other entity in accordance with divisions (A) to (F) of section 2409  
3313.41 of the Revised Code. 2410

(C) Notwithstanding division (B) of this section, a school 2411  
district board may renew any agreement it originally entered into 2412  
prior to ~~the effective date of this section~~ June 30, 2011, to 2413  
lease real property to an entity other than a community school. 2414  
Nothing in this section shall affect the leasehold arrangements 2415  
between the district board and that other entity. 2416

Sec. 3313.412. This section applies only to a municipal 2417  
school district that has at least one partnering community school. 2418

(A) As used in this section: 2419

(1) "Municipal school district" has the same meaning as in 2420  
section 3311.71 of the Revised Code. 2421

(2) "Partnering community school" means a community school 2422  
established under Chapter 3314. of the Revised Code that is 2423  
located within the territory of a municipal school district and is 2424  
sponsored by the district, receives services from the district, 2425  
leases a building from the district, or is a party to an agreement 2426  
with the district whereby the district and the community school 2427  
endorse each other's programs. 2428

(3) "Unused academic facilities" means real property that the board of education of a municipal school district owns in its corporate capacity and that has been but is no longer being used by the district for academic instruction.

(B) Except as provided in division (D) of this section, prior to disposing of unused academic facilities under division (C) of this section or section 3313.41 of the Revised Code, the board of education of a municipal school district to which this section applies shall offer that property for sale or lease, as determined by the district board, to its partnering community schools at a price that is not higher than the appraised fair market value of the property or, if the district board offers the property for lease, the fair market value for such a leasehold. If more than one partnering community school submits a responsive acceptance of the district's offer, the district board shall sell or lease the property to the partnering community school that has the highest current performing index score as reported under sections 3302.03 and 3314.012 of the Revised Code. If no partnering community school submits a responsive acceptance of the offer within ten business days after the offer is made, the property may be sold or leased under division (C) of this section or sold under section 3313.41 of the Revised Code. The district board shall establish terms, conditions, and procedures for offers made under this section and may delegate to any district officer the authority to determine if acceptances submitted by partnering community schools are responsive to offers made by the board.

(C) The board of education of a municipal school district to which this section applies may sell or lease real property it owns in its corporate capacity, upon such terms as are agreed upon, to any of the entities listed in division (C) of section 3313.41 of the Revised Code and to any community school located within the territory of the school district or a nonpublic school that is



chartered pursuant to section 3301.16 of the Revised Code. 2461

(D) The board of education of a municipal school district to 2462  
which this section applies may sell or lease any real property it 2463  
owns in its corporate capacity to any individual or entity at the 2464  
written request of the mayor or legislative authority of the 2465  
municipal corporation within the territory of which all or a 2466  
portion of the real property is situated. The terms of the sale or 2467  
lease of the property shall be specified in the request of the 2468  
mayor or legislative authority. The request also shall include a 2469  
determination that the sale or lease of the property is in 2470  
furtherance of a public purpose of the municipal corporation. 2471

(E) The chairperson of the district board and the chief 2472  
financial officer of the district shall execute and deliver deeds, 2473  
leases, or other necessary instruments of conveyance to complete 2474  
any sale or lease made under this section. 2475

(F) The district board shall maintain a written inventory of 2476  
its unused academic facilities and its plans for reutilization or 2477  
disposition of those facilities and shall update that inventory at 2478  
least annually. 2479

(G) Notwithstanding division (F) of section 5705.10 of the 2480  
Revised Code, if a school district board sells real property that 2481  
it owns in its corporate capacity, moneys received from the sale 2482  
may be paid into the general fund of the district, as long as the 2483  
district has owned the real property for at least five years and 2484  
the real property and any improvements to that real property were 2485  
not acquired with the proceeds of public obligations, as defined 2486  
in section 133.01 of the Revised Code, of the district that are 2487  
outstanding at the time of the sale. 2488

**Sec. 3313.975.** As used in this section and in sections 2489  
~~3313.975~~ 3313.976 to 3313.979 of the Revised Code, "the pilot 2490  
project school district" or "the district" means any school 2491

district included in the pilot project scholarship program 2492  
pursuant to this section. 2493

(A) The superintendent of public instruction shall establish 2494  
a pilot project scholarship program and shall include in such 2495  
program any school districts that are or have ever been under 2496  
federal court order requiring supervision and operational 2497  
management of the district by the state superintendent. The 2498  
program shall provide for a number of students residing in any 2499  
such district to receive scholarships to attend alternative 2500  
schools, and for an equal number of students to receive tutorial 2501  
assistance grants while attending public school in any such 2502  
district. 2503

(B) The state superintendent shall establish an application 2504  
process and deadline for accepting applications from students 2505  
residing in the district to participate in the scholarship 2506  
program. In the initial year of the program students may only use 2507  
a scholarship to attend school in grades kindergarten through 2508  
third. 2509

The state superintendent shall award as many scholarships and 2510  
tutorial assistance grants as can be funded given the amount 2511  
appropriated for the program. In no case, however, shall more than 2512  
fifty per cent of all scholarships awarded be used by students who 2513  
were enrolled in a nonpublic school during the school year of 2514  
application for a scholarship. 2515

(C)(1) The pilot project program shall continue in effect 2516  
each year that the general assembly has appropriated sufficient 2517  
money to fund scholarships and tutorial assistance grants. In each 2518  
year the program continues, new students may receive scholarships 2519  
in grades kindergarten to twelve. A student who has received a 2520  
scholarship may continue to receive one until the student has 2521  
completed grade twelve. 2522

(2) If the general assembly discontinues the scholarship program, all students who are attending an alternative school under the pilot project shall be entitled to continued admittance to that specific school through all grades that are provided in such school, under the same conditions as when they were participating in the pilot project. The state superintendent shall continue to make scholarship payments in accordance with division (A) or (B) of section 3313.979 of the Revised Code for students who remain enrolled in an alternative school under this provision in any year that funds have been appropriated for this purpose.

If funds are not appropriated, the tuition charged to the parents of a student who remains enrolled in an alternative school under this provision shall not be increased beyond the amount equal to the amount of the scholarship plus any additional amount charged that student's parent in the most recent year of attendance as a participant in the pilot project, except that tuition for all the students enrolled in such school may be increased by the same percentage.

(D) Notwithstanding sections 124.39, 3307.54, and ~~3319.17~~ 3311.83 of the Revised Code, if the pilot project school district experiences a decrease in enrollment due to participation in a state-sponsored scholarship program pursuant to sections 3313.974 to 3313.979 of the Revised Code, the district board of education may enter into an agreement with any teacher it employs to provide to that teacher severance pay or early retirement incentives, or both, if the teacher agrees to terminate the employment contract with the district board, provided any collective bargaining agreement in force pursuant to Chapter 4117. of the Revised Code does not prohibit such an agreement for termination of a teacher's employment contract.

**Sec. 3314.012.** (A) Within ninety days of September 28, 1999,

the superintendent of public instruction shall appoint 2554  
representatives of the department of education, including 2555  
employees who work with the education management information 2556  
system, to a committee to develop report card models for community 2557  
schools. The committee shall design model report cards appropriate 2558  
for the various types of community schools approved to operate in 2559  
the state. Sufficient models shall be developed to reflect the 2560  
variety of grade levels served and the missions of the state's 2561  
community schools. All models shall include both financial and 2562  
academic data. The initial models shall be developed by March 31, 2563  
2000. 2564

(B) The department of education shall issue an annual report 2565  
card for each community school, regardless of how long the school 2566  
has been in operation. The report card shall report the academic 2567  
and financial performance of the school utilizing one of the 2568  
models developed under division (A) of this section. The report 2569  
card shall include all information applicable to school buildings 2570  
under division (A) of section 3302.03 of the Revised Code. The 2571  
ratings a community school receives under section 3302.03 of the 2572  
Revised Code for its first two full school years shall not be 2573  
considered toward automatic closure of the school under section 2574  
3314.35 or 3314.351 of the Revised Code or any other matter that 2575  
is based on report card ratings. 2576

(C) Upon receipt of a copy of a contract between a sponsor 2577  
and a community school entered into under this chapter, the 2578  
department of education shall notify the community school of the 2579  
specific model report card that will be used for that school. 2580

(D) Report cards shall be distributed to the parents of all 2581  
students in the community school, to the members of the board of 2582  
education of the school district in which the community school is 2583  
located, and to any person who requests one from the department. 2584

**Sec. 3314.016.** This section applies to any entity that 2585  
sponsors a community school, regardless of whether section 2586  
3314.021 or 3314.027 of the Revised Code exempts the entity from 2587  
the requirement to be approved for sponsorship under divisions 2588  
(A)(2) and (B)(1) of section 3314.015 of the Revised Code. 2589

(A) An entity that sponsors a community school shall be 2590  
permitted to enter into contracts under section 3314.03 of the 2591  
Revised Code to sponsor additional community schools only if the 2592  
entity meets both of the following criteria: 2593

(1) The entity is in compliance with all provisions of this 2594  
chapter requiring sponsors of community schools to report data or 2595  
information to the department of education. 2596

(2) The entity is not ranked in the lowest twenty per cent of 2597  
community school sponsors on the ranking prescribed by division 2598  
(B) of this section. 2599

(B) For purposes of this section, the department shall 2600  
develop a composite performance index score, as defined in section 2601  
3302.01 of the Revised Code, that measures the academic 2602  
performance of students enrolled in community schools sponsored by 2603  
the same entity. In calculating the composite performance index 2604  
score, the department shall exclude all community schools 2605  
described in division (A)~~(3)~~(2) of section 3314.35 and in division 2606  
(A)(2) of section 3314.351 of the Revised Code, but the department 2607  
shall cease to exclude those schools beginning January 1, 2013, if 2608  
the general assembly does not enact by that date separate 2609  
performance standards for community schools that operate dropout 2610  
prevention and recovery programs and for community schools that 2611  
serve students with disabilities. The department annually shall 2612  
rank all entities that sponsor community schools from highest to 2613  
lowest according to the entities' composite performance index 2614  
scores. 2615

(C) If the governing authority of a community school enters 2616  
into a contract with a sponsor prior to the date on which the 2617  
sponsor is prohibited from sponsoring additional schools under 2618  
division (A) of this section and the school has not opened for 2619  
operation as of that date, that contract shall be void and the 2620  
school shall not open until the governing authority secures a new 2621  
sponsor by entering into a contract with the new sponsor under 2622  
section 3314.03 of the Revised Code. 2623

**Sec. 3314.10.** (A)(1) The governing authority of any community 2624  
school established under this chapter may employ teachers and 2625  
nonteaching employees necessary to carry out its mission and 2626  
fulfill its contract. 2627

(2) Except as provided under division (A)(3) of this section, 2628  
employees hired under this section may organize and collectively 2629  
bargain pursuant to Chapter 4117. of the Revised Code. 2630  
Notwithstanding division (D)(1) of section 4117.06 of the Revised 2631  
Code, a unit containing teaching and nonteaching employees 2632  
employed under this section shall be considered an appropriate 2633  
unit. As applicable, employment under this section is subject to 2634  
either Chapter 3307. or 3309. of the Revised Code. 2635

(3) If a school is created by converting all or part of an 2636  
existing public school rather than by establishment of a new 2637  
start-up school, at the time of conversion, the employees of the 2638  
community school shall remain part of any collective bargaining 2639  
unit in which they were included immediately prior to the 2640  
conversion and shall remain subject to any collective bargaining 2641  
agreement for that unit in effect on the first day of July of the 2642  
year in which the community school initially begins operation and 2643  
shall be subject to any subsequent collective bargaining agreement 2644  
for that unit, unless a petition is certified as sufficient under 2645  
division (A)(6) of this section with regard to those employees. 2646

Any new employees of the community school shall also be included 2647  
in the unit to which they would have been assigned had not the 2648  
conversion taken place and shall be subject to the collective 2649  
bargaining agreement for that unit unless a petition is certified 2650  
as sufficient under division (A)(6) of this section with regard to 2651  
those employees. 2652

Notwithstanding division (B) of section 4117.01 of the 2653  
Revised Code, the board of education of a school district and not 2654  
the governing authority of a community school shall be regarded, 2655  
for purposes of Chapter 4117. of the Revised Code, as the "public 2656  
employer" of the employees of a conversion community school 2657  
subject to a collective bargaining agreement pursuant to division 2658  
(A)(3) of this section unless a petition is certified under 2659  
division (A)(6) of this section with regard to those employees. 2660  
Only on and after the effective date of a petition certified as 2661  
sufficient under division (A)(6) of this section shall division 2662  
(A)(2) of this section apply to those employees of that community 2663  
school and only on and after the effective date of that petition 2664  
shall Chapter 4117. of the Revised Code apply to the governing 2665  
authority of that community school with regard to those employees. 2666

(4) Notwithstanding sections 4117.03 to 4117.18 of the 2667  
Revised Code and Section 4 of Amended Substitute Senate Bill No. 2668  
133 of the 115th general assembly, the employees of a conversion 2669  
community school who are subject to a collective bargaining 2670  
agreement pursuant to division (A)(3) of this section shall cease 2671  
to be subject to that agreement and all subsequent agreements 2672  
pursuant to that division and shall cease to be part of the 2673  
collective bargaining unit that is subject to that and all 2674  
subsequent agreements, if a majority of the employees of that 2675  
community school who are subject to that collective bargaining 2676  
agreement sign and submit to the state employment relations board 2677  
a petition requesting all of the following: 2678

(a) That all the employees of the community school who are 2679  
subject to that agreement be removed from the bargaining unit that 2680  
is subject to that agreement and be designated by the state 2681  
employment relations board as a new and separate bargaining unit 2682  
for purposes of Chapter 4117. of the Revised Code; 2683

(b) That the employee organization certified as the exclusive 2684  
representative of the employees of the bargaining unit from which 2685  
the employees are to be removed be certified as the exclusive 2686  
representative of the new and separate bargaining unit for 2687  
purposes of Chapter 4117. of the Revised Code; 2688

(c) That the governing authority of the community school be 2689  
regarded as the "public employer" of these employees for purposes 2690  
of Chapter 4117. of the Revised Code. 2691

(5) Notwithstanding sections 4117.03 to 4117.18 of the 2692  
Revised Code and Section 4 of Amended Substitute Senate Bill No. 2693  
133 of the 115th general assembly, the employees of a conversion 2694  
community school who are subject to a collective bargaining 2695  
agreement pursuant to division (A)(3) of this section shall cease 2696  
to be subject to that agreement and all subsequent agreements 2697  
pursuant to that division, shall cease to be part of the 2698  
collective bargaining unit that is subject to that and all 2699  
subsequent agreements, and shall cease to be represented by any 2700  
exclusive representative of that collective bargaining unit, if a 2701  
majority of the employees of the community school who are subject 2702  
to that collective bargaining agreement sign and submit to the 2703  
state employment relations board a petition requesting all of the 2704  
following: 2705

(a) That all the employees of the community school who are 2706  
subject to that agreement be removed from the bargaining unit that 2707  
is subject to that agreement; 2708

(b) That any employee organization certified as the exclusive 2709



representative of the employees of that bargaining unit be 2710  
decertified as the exclusive representative of the employees of 2711  
the community school who are subject to that agreement; 2712

(c) That the governing authority of the community school be 2713  
regarded as the "public employer" of these employees for purposes 2714  
of Chapter 4117. of the Revised Code. 2715

(6) Upon receipt of a petition under division (A)(4) or (5) 2716  
of this section, the state employment relations board shall check 2717  
the sufficiency of the signatures on the petition. If the 2718  
signatures are found sufficient, the board shall certify the 2719  
sufficiency of the petition and so notify the parties involved, 2720  
including the board of education, the governing authority of the 2721  
community school, and any exclusive representative of the 2722  
bargaining unit. The changes requested in a certified petition 2723  
shall take effect on the first day of the month immediately 2724  
following the date on which the sufficiency of the petition is 2725  
certified under division (A)(6) of this section. 2726

(B)(1) The board of education of each city, local, and 2727  
exempted village school district sponsoring a community school and 2728  
the governing board of each educational service center in which a 2729  
community school is located shall adopt a policy that provides a 2730  
leave of absence of at least three years to each teacher or 2731  
nonteaching employee of the district or service center who is 2732  
employed by a conversion or new start-up community school 2733  
sponsored by the district or located in the district or center for 2734  
the period during which the teacher or employee is continuously 2735  
employed by the community school. The policy shall also provide 2736  
that any teacher or nonteaching employee may return to employment 2737  
by the district or service center if the teacher or employee 2738  
leaves or is discharged from employment with the community school 2739  
for any reason, unless, in the case of a teacher, the board of the 2740  
district or service center determines that the teacher was 2741

discharged for a reason for which the board would have sought to 2742  
discharge the teacher under section 3311.82 or 3319.16 of the 2743  
Revised Code, in which case the board may proceed to discharge the 2744  
teacher utilizing the procedures of that section. Upon termination 2745  
of such a leave of absence, any seniority that is applicable to 2746  
the person shall be calculated to include all of the following: 2747  
all employment by the district or service center prior to the 2748  
leave of absence; all employment by the community school during 2749  
the leave of absence; and all employment by the district or 2750  
service center after the leave of absence. The policy shall also 2751  
provide that if any teacher holding valid certification returns to 2752  
employment by the district or service center upon termination of 2753  
such a leave of absence, the teacher shall be restored to the 2754  
previous position and salary or to a position and salary similar 2755  
thereto. If, as a result of teachers returning to employment upon 2756  
termination of such leaves of absence, a school district or 2757  
educational service center reduces the number of teachers it 2758  
employs, it shall make such reductions in accordance with section 2759  
3319.171 of the Revised Code. 2760

Unless a collective bargaining agreement providing otherwise 2761  
is in effect for an employee of a conversion community school 2762  
pursuant to division (A)(3) of this section, an employee on a 2763  
leave of absence pursuant to this division shall remain eligible 2764  
for any benefits that are in addition to benefits under Chapter 2765  
3307. or 3309. of the Revised Code provided by the district or 2766  
service center to its employees provided the employee pays the 2767  
entire cost associated with such benefits, except that personal 2768  
leave and vacation leave cannot be accrued for use as an employee 2769  
of a school district or service center while in the employ of a 2770  
community school unless the district or service center board 2771  
adopts a policy expressly permitting this accrual. 2772

(2) While on a leave of absence pursuant to division (B)(1) 2773

of this section, a conversion community school shall permit a 2774  
teacher to use sick leave accrued while in the employ of the 2775  
school district from which the leave of absence was taken and 2776  
prior to commencing such leave. If a teacher who is on such a 2777  
leave of absence uses sick leave so accrued, the cost of any 2778  
salary paid by the community school to the teacher for that time 2779  
shall be reported to the department of education. The cost of 2780  
employing a substitute teacher for that time shall be paid by the 2781  
community school. The department of education shall add amounts to 2782  
the payments made to a community school under this chapter as 2783  
necessary to cover the cost of salary reported by a community 2784  
school as paid to a teacher using sick leave so accrued pursuant 2785  
to this section. The department shall subtract the amounts of any 2786  
payments made to community schools under this division from 2787  
payments made to such sponsoring school district under Chapter 2788  
3317. of the Revised Code. 2789

A school district providing a leave of absence and employee 2790  
benefits to a person pursuant to this division is not liable for 2791  
any action of that person while the person is on such leave and 2792  
employed by a community school. 2793

**Sec. 3314.35.** (A)(1) ~~Except as provided in division (A)(3) of~~ 2794  
~~this section, this section applies to any community school that~~ 2795  
~~meets one of the following criteria after July 1, 2009, but before~~ 2796  
~~July 1, 2011:~~ 2797

~~(a) The school does not offer a grade level higher than three~~ 2798  
~~and has been declared to be in a state of academic emergency under~~ 2799  
~~section 3302.03 of the Revised Code for three of the four most~~ 2800  
~~recent school years.~~ 2801

~~(b) The school satisfies all of the following conditions:~~ 2802

~~(i) The school offers any of grade levels four to eight but~~ 2803  
~~does not offer a grade level higher than nine.~~ 2804

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

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

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

~~(2) Except as provided in division (A)(3)(2) of this section,  
this section applies to any community school that is not located  
within the territory of a municipal school district, as defined in  
section 3311.71 of the Revised Code, and that meets one of the  
following criteria after July 1, 2011:~~

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

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

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

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

(iii) In at least two of the three most recent school years,  
the school showed less than one standard year of academic growth  
in either reading or mathematics, as determined by the department

of education in accordance with rules adopted under division (A) 2835  
of section 3302.021 of the Revised Code. 2836

(c) The school offers any of grade levels ten to twelve and 2837  
has been declared to be in a state of academic emergency under 2838  
section 3302.03 of the Revised Code for two of the three most 2839  
recent school years. 2840

~~(3)~~(2) This section does not apply to either of the 2841  
following: 2842

(a) Any community school in which a majority of the students 2843  
are enrolled in a dropout prevention and recovery program that is 2844  
operated by the school and that has been granted a waiver under 2845  
section 3314.36 of the Revised Code; 2846

(b) Any community school in which a majority of the enrolled 2847  
students are children with disabilities receiving special 2848  
education and related services in accordance with Chapter 3323. of 2849  
the Revised Code. 2850

(B) Any community school to which this section applies shall 2851  
permanently close at the conclusion of the school year in which 2852  
the school first becomes subject to this section. The sponsor and 2853  
governing authority of the school shall comply with all procedures 2854  
for closing a community school adopted by the department under 2855  
division (E) of section 3314.015 of the Revised Code. The 2856  
governing authority of the school shall not enter into a contract 2857  
with any other sponsor under section 3314.03 of the Revised Code 2858  
after the school closes. 2859

(C) In accordance with division (B) of section 3314.012 of 2860  
the Revised Code, the department shall not consider the 2861  
performance ratings assigned to a community school for its first 2862  
two years of operation when determining whether the school meets 2863  
the criteria prescribed by division (A)(1) ~~or (2)~~ of this section. 2864

Sec. 3314.351. (A)(1) Except as provided in division (A)(2) 2865  
of this section, this section applies to any community school that 2866  
is located within the territory of a municipal school district, as 2867  
defined in section 3311.71 of the Revised Code, and that meets one 2868  
of the following criteria after July 1, 2011: 2869

(a) The school does not offer a grade level higher than three 2870  
and has been declared to be in a state of academic emergency under 2871  
section 3302.03 of the Revised Code for two of the three most 2872  
recent school years. 2873

(b) The school satisfies all of the following conditions: 2874

(i) The school offers any of grade levels four to eight but 2875  
does not offer a grade level higher than nine. 2876

(ii) The school has been declared to be in a state of 2877  
academic emergency under section 3302.03 of the Revised Code for 2878  
two of the three most recent school years. 2879

(iii) In at least two of the three most recent school years, 2880  
the school showed less than one standard year of academic growth 2881  
in either reading or mathematics, as determined by the department 2882  
of education in accordance with rules adopted under division (A) 2883  
of section 3302.021 of the Revised Code. 2884

(c) The school offers any of grade levels ten to twelve and 2885  
has been declared to be in a state of academic emergency under 2886  
section 3302.03 of the Revised Code for two of the three most 2887  
recent school years. 2888

(2) This section does not apply to either of the following: 2889

(a) Any community school in which a majority of the students 2890  
are enrolled in a dropout prevention and recovery program that is 2891  
operated by the school and that has been granted a waiver under 2892  
section 3314.36 of the Revised Code; 2893

(b) Any community school in which a majority of the enrolled 2894

students are children with disabilities receiving special 2895  
education and related services in accordance with Chapter 3323. of 2896  
the Revised Code. 2897

(B) Any community school to which this section applies shall 2898  
permanently close at the conclusion of the school year in which 2899  
the school first becomes subject to this section. The sponsor and 2900  
governing authority of the school shall comply with all procedures 2901  
for closing a community school adopted by the department under 2902  
division (E) of section 3314.015 of the Revised Code. The 2903  
governing authority of the school shall not enter into a contract 2904  
with any other sponsor under section 3314.03 of the Revised Code 2905  
after the school closes. 2906

(C) In accordance with division (B) of section 3314.012 of 2907  
the Revised Code, the department shall not consider the 2908  
performance ratings assigned to a community school for its first 2909  
two years of operation when determining whether the school meets 2910  
the criteria prescribed by division (A)(1) of this section. 2911

(D) When the department determines that a school is at risk 2912  
of meeting the criteria prescribed by division (A)(1) of this 2913  
section in the next school year based on the school's report card 2914  
issued in the current school year under section 3302.03 of the 2915  
Revised Code, the department shall notify the school of that risk 2916  
not later than the thirtieth day of September of the current 2917  
school year. Not later than the following fifteenth day of 2918  
October, the school shall send to the parent of each student 2919  
enrolled in the school, or the student if at least eighteen years 2920  
old and no guardian or custodian has been appointed for the 2921  
student, a copy of the department's notice and a description of 2922  
the steps the school will take to address its academic 2923  
performance. If, based on student scores on the assessments 2924  
required by divisions (A) and (B)(1) of section 3301.0710 of the 2925  
Revised Code administered during the next spring as reported to 2926

the school, the school determines that it is likely the school 2927  
will meet the criteria prescribed by division (A)(1) of this 2928  
section when the department issues the school's next report card, 2929  
the school shall notify each parent and student, as notified 2930  
earlier, of that fact not later than the thirtieth day of June. 2931

(E) Any community school located within the territory of a 2932  
municipal school district that fails to comply with the 2933  
requirements of this section shall not be eligible to receive 2934  
state funds. 2935

**Sec. 3314.36.** (A) ~~Section~~ Sections 3314.35 and 3314.351 of 2936  
the Revised Code ~~does~~ do not apply to any community school in 2937  
which a majority of the students are enrolled in a dropout 2938  
prevention and recovery program that is operated by the school and 2939  
that has been granted a waiver by the department of education. The 2940  
department shall grant a waiver to a dropout prevention and 2941  
recovery program, within sixty days after the program applies for 2942  
the waiver, if the program meets all of the following conditions: 2943

(1) The program serves only students not younger than sixteen 2944  
years of age and not older than twenty-one years of age. 2945

(2) The program enrolls students who, at the time of their 2946  
initial enrollment, either, or both, are at least one grade level 2947  
behind their cohort age groups or experience crises that 2948  
significantly interfere with their academic progress such that 2949  
they are prevented from continuing their traditional programs. 2950

(3) The program requires students to attain at least the 2951  
applicable score designated for each of the assessments prescribed 2952  
under division (B)(1) of section 3301.0710 of the Revised Code or, 2953  
to the extent prescribed by rule of the state board of education 2954  
under division (D)(6) of section 3301.0712 of the Revised Code, 2955  
division (B)(2) of that section. 2956



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

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

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

If the department does not act either to grant the waiver or to reject the program application for the waiver within sixty days as required under this section, the waiver shall be considered to be granted.

(B) Notwithstanding division (A) of this section, the department shall not grant a waiver to any community school that did not qualify for a waiver under this section when it initially began operations, unless the state board of education approves the waiver.

**Sec. 3316.07.** (A) A school district financial planning and supervision commission has the following powers, duties, and functions:

(1) To review or to assume responsibility for the development of all tax budgets, tax levy and bond and note resolutions, appropriation measures, and certificates of estimated resources of the school district in order to ensure that such are consistent with the financial recovery plan and a balanced appropriation

budget for the current fiscal year, and to request and review any supporting information upon which the financial recovery plan and balanced appropriation budget may be developed and based, and to determine whether revenue estimates and estimates of expenditures and appropriations will result in a balanced budget;

(2) To inspect and secure copies of any document, resolution, or instrument pertaining to the effective financial accounting and reporting system, debt obligations, debt limits, financial recovery plan, balanced appropriation budgets, appropriation measures, report of audit, statement or invoice, or other worksheet or record of the school district;

(3) To inspect and secure copies of any document, instrument, certification, records of proceedings, or other worksheet or records of the county budget commission, county auditor, or other official or employee of the school district or of any other political subdivision or agency of government of the state;

(4) To review, revise, and approve determinations and certifications affecting the school district made by the county budget commission or county auditor pursuant to Chapter 5705. of the Revised Code to ensure that such determinations and certifications are consistent with the laws of the state;

(5) To bring civil actions, including mandamus, to enforce this chapter;

(6) After consultation with the officials of the school district and the auditor of state, to implement or require implementation of any necessary or appropriate steps to bring the books of account, accounting systems, and financial procedures and reports of the school district into compliance with requirements prescribed by the auditor of state, and to assume responsibility for achieving such compliance and for making any desirable modifications and supplementary systems and procedures pertinent

to the school district; 3018

(7) To assist or provide assistance to the school district or 3019  
to assume the total responsibility for the structuring or the 3020  
terms of, and the placement for sale of, debt obligations of the 3021  
school district; 3022

(8) To perform all other powers, duties, and functions as 3023  
provided under this chapter; 3024

(9) To make and enter into all contracts and agreements 3025  
necessary or incidental to the performance of its duties and the 3026  
exercise of its powers under this chapter; 3027

(10) To consult with officials of the school district and 3028  
make recommendations or assume the responsibility for implementing 3029  
cost reductions and revenue increases to achieve balanced budgets 3030  
and carry out the financial recovery plan in accordance with this 3031  
chapter; 3032

(11) To make reductions in force to bring the school 3033  
district's budget into balance, notwithstanding division (A) of 3034  
section 3311.82, section 3319.081, and divisions (A) and (B) of 3035  
section 3319.17 of the Revised Code, notwithstanding any provision 3036  
of a policy adopted under section 3319.171 of the Revised Code, 3037  
and notwithstanding any provision to the contrary in section 3038  
4117.08 or 4117.10 of the Revised Code or in any collective 3039  
bargaining agreement entered into on or after November 21, 1997. 3040

In making reductions in force, the commission shall first 3041  
consider reasonable reductions among the administrative and 3042  
~~non-teaching~~ nonteaching employees of the school district giving 3043  
due regard to ensuring the district's ability to maintain the 3044  
personnel, programs, and services essential to the provision of an 3045  
adequate educational program. 3046

In making these reductions in ~~non-teaching~~ nonteaching 3047  
employees in districts where Chapter 124. of the Revised Code 3048

controls such reductions, the reductions shall be made in 3049  
accordance with sections 124.321 to 124.327 of the Revised Code. 3050  
In making these reductions in ~~non-teaching~~ nonteaching employees 3051  
in districts where Chapter 124. of the Revised Code does not 3052  
control these reductions, within each category of ~~non-teaching~~ 3053  
nonteaching employees, the commission shall give preference to 3054  
those employees with continuing contracts or non-probationary 3055  
status and who have greater seniority. 3056

If revenues and expenditures cannot be balanced by reasonable 3057  
reductions in administrative and ~~non-teaching~~ nonteaching 3058  
employees, the commission may also make reasonable reductions in 3059  
the number of teaching contracts. If the commission finds it 3060  
necessary to suspend teaching contracts, it shall suspend them in 3061  
accordance with divisions (B) to (E) of section 3311.83 or 3062  
division (C) of section 3319.17 of the Revised Code but shall 3063  
consider a reduction in non-classroom teachers before classroom 3064  
teachers. 3065

(B) During the fiscal emergency period, the commission shall, 3066  
in addition to other powers: 3067

(1) With respect to the appropriation measure in effect at 3068  
the commencement of the fiscal emergency period of the school 3069  
district if that period commenced more than three months prior to 3070  
the end of the current fiscal year, and otherwise with respect to 3071  
the appropriation measure for the next fiscal year: 3072

(a) Review and determine the adequacy of all revenues to meet 3073  
all expenditures for such fiscal year; 3074

(b) Review and determine the extent of any deficiency of 3075  
revenues to meet such expenditures; 3076

(c) Require the school district board or superintendent to 3077  
provide justification documents to substantiate, to the extent and 3078  
in the manner considered necessary, any item of revenue or 3079

appropriation; 3080

(d) Not later than sixty days after taking office or after 3081  
receiving the appropriation measure for the next fiscal year, 3082  
issue a public report regarding its review pursuant to division 3083  
(B)(1) of this section. 3084

(2) Require the school district board, by resolution, to 3085  
establish monthly levels of expenditures and encumbrances 3086  
consistent with the financial recovery plan and the commission's 3087  
review pursuant to divisions (B)(1)(a) and (b) of this section, or 3088  
establish such levels itself. If the commission permits the 3089  
district board to make expenditures, the commission shall monitor 3090  
the monthly levels of expenditures and encumbrances and require 3091  
justification documents to substantiate any departure from any 3092  
approved level. No district board shall make any expenditure apart 3093  
from the approved level without the written approval of the 3094  
commission. 3095

(C) In making any determination pursuant to division (B) of 3096  
this section, the commission may rely on any information 3097  
considered in its judgment reliable or material and shall not be 3098  
restricted by any tax budget or certificate or any other document 3099  
the school district may have adopted or received from any other 3100  
governmental agency. 3101

(D) County, state, and school district officers or employees 3102  
shall assist the commission diligently and promptly in the 3103  
prosecution of its duties, including the furnishing of any 3104  
materials, including justification documents, required. 3105

(E) Annually on or before the first day of April during the 3106  
fiscal emergency period, the commission shall make reports and 3107  
recommendations to the speaker of the house of representatives and 3108  
the president of the senate concerning progress of the school 3109  
district to eliminate fiscal emergency conditions, failures of the 3110

school district to comply with this chapter, and recommendations 3111  
for further actions to attain the objectives of this chapter, 3112  
including any legislative action needed to make provisions of law 3113  
more effective for their purposes, or to enhance revenue raising 3114  
or financing capabilities of school districts. The commission may 3115  
make such interim reports as it considers appropriate for such 3116  
purposes and shall make such additional reports as may be 3117  
requested by either house of the general assembly. 3118

**Sec. 3318.08.** Except in the case of a joint vocational school 3119  
district that receives assistance under sections 3318.40 to 3120  
3318.45 of the Revised Code, if the requisite favorable vote on 3121  
the election is obtained, or if the school district board has 3122  
resolved to apply the proceeds of a property tax levy or the 3123  
proceeds of an income tax, or a combination of proceeds from such 3124  
taxes, as authorized in section 3318.052 of the Revised Code, the 3125  
Ohio school facilities commission, upon certification to it of 3126  
either the results of the election or the resolution under section 3127  
3318.052 of the Revised Code, shall enter into a written agreement 3128  
with the school district board for the construction and sale of 3129  
the project. In the case of a joint vocational school district 3130  
that receives assistance under sections 3318.40 to 3318.45 of the 3131  
Revised Code, if the school district board of education and the 3132  
school district electors have satisfied the conditions prescribed 3133  
in division (D)(1) of section 3318.41 of the Revised Code, the 3134  
commission shall enter into an agreement with the school district 3135  
board for the construction and sale of the project. In either 3136  
case, the agreement shall include, but need not be limited to, the 3137  
following provisions: 3138

(A) The sale and issuance of bonds or notes in anticipation 3139  
thereof, as soon as practicable after the execution of the 3140  
agreement, in an amount equal to the school district's portion of 3141  
the basic project cost, including any securities authorized under 3142

division (J) of section 133.06 of the Revised Code and dedicated 3143  
by the school district board to payment of the district's portion 3144  
of the basic project cost of the project; provided, that if at 3145  
that time the county treasurer of each county in which the school 3146  
district is located has not commenced the collection of taxes on 3147  
the general duplicate of real and public utility property for the 3148  
year in which the controlling board approved the project, the 3149  
school district board shall authorize the issuance of a first 3150  
installment of bond anticipation notes in an amount specified by 3151  
the agreement, which amount shall not exceed an amount necessary 3152  
to raise the net bonded indebtedness of the school district as of 3153  
the date of the controlling board's approval to within five 3154  
thousand dollars of the required level of indebtedness for the 3155  
preceding year. In the event that a first installment of bond 3156  
anticipation notes is issued, the school district board shall, as 3157  
soon as practicable after the county treasurer of each county in 3158  
which the school district is located has commenced the collection 3159  
of taxes on the general duplicate of real and public utility 3160  
property for the year in which the controlling board approved the 3161  
project, authorize the issuance of a second and final installment 3162  
of bond anticipation notes or a first and final issue of bonds. 3163

The combined value of the first and second installment of 3164  
bond anticipation notes or the value of the first and final issue 3165  
of bonds shall be equal to the school district's portion of the 3166  
basic project cost. The proceeds of any such bonds shall be used 3167  
first to retire any bond anticipation notes. Otherwise, the 3168  
proceeds of such bonds and of any bond anticipation notes, except 3169  
the premium and accrued interest thereon, shall be deposited in 3170  
the school district's project construction fund. In determining 3171  
the amount of net bonded indebtedness for the purpose of fixing 3172  
the amount of an issue of either bonds or bond anticipation notes, 3173  
gross indebtedness shall be reduced by moneys in the bond 3174  
retirement fund only to the extent of the moneys therein on the 3175

first day of the year preceding the year in which the controlling board approved the project. Should there be a decrease in the tax valuation of the school district so that the amount of indebtedness that can be incurred on the tax duplicates for the year in which the controlling board approved the project is less than the amount of the first installment of bond anticipation notes, there shall be paid from the school district's project construction fund to the school district's bond retirement fund to be applied against such notes an amount sufficient to cause the net bonded indebtedness of the school district, as of the first day of the year following the year in which the controlling board approved the project, to be within five thousand dollars of the required level of indebtedness for the year in which the controlling board approved the project. The maximum amount of indebtedness to be incurred by any school district board as its share of the cost of the project is either an amount that will cause its net bonded indebtedness, as of the first day of the year following the year in which the controlling board approved the project, to be within five thousand dollars of the required level of indebtedness, or an amount equal to the required percentage of the basic project costs, whichever is greater. All bonds and bond anticipation notes shall be issued in accordance with Chapter 133. of the Revised Code, and notes may be renewed as provided in section 133.22 of the Revised Code.

(B) The transfer of such funds of the school district board available for the project, together with the proceeds of the sale of the bonds or notes, except premium, accrued interest, and interest included in the amount of the issue, to the school district's project construction fund;

(C) For all school districts except joint vocational school districts that receive assistance under sections 3318.40 to 3318.45 of the Revised Code, the following provisions as



applicable: 3208

(1) If section 3318.052 of the Revised Code applies, the 3209  
earmarking of the proceeds of a tax levied under section 5705.21 3210  
of the Revised Code for general permanent improvements or under 3211  
section 5705.218 of the Revised Code for the purpose of permanent 3212  
improvements, or the proceeds of a school district income tax 3213  
levied under Chapter 5748. of the Revised Code, or the proceeds 3214  
from a combination of those two taxes, in an amount to pay all or 3215  
part of the service charges on bonds issued to pay the school 3216  
district portion of the project and an amount equivalent to all or 3217  
part of the tax required under division (B) of section 3318.05 of 3218  
the Revised Code; 3219

(2) If section 3318.052 of the Revised Code does not apply, 3220  
one of the following: 3221

(a) The levy of the tax authorized at the election for the 3222  
payment of maintenance costs, as specified in division (B) of 3223  
section 3318.05 of the Revised Code; 3224

(b) If the school district electors have approved a 3225  
continuing tax for general permanent improvements under section 3226  
5705.21 of the Revised Code and that tax can be used for 3227  
maintenance, the earmarking of an amount of the proceeds from such 3228  
tax for maintenance of classroom facilities as specified in 3229  
division (B) of section 3318.05 of the Revised Code; 3230

(c) If, in lieu of the tax otherwise required under division 3231  
(B) of section 3318.05 of the Revised Code, the commission has 3232  
approved the transfer of money to the maintenance fund in 3233  
accordance with section 3318.051 of the Revised Code, a 3234  
requirement that the district board comply with the provisions 3235  
that section. The district board may rescind the provision 3236  
prescribed under division (C)(2)(c) of this section only so long 3237  
as the electors of the district have approved, in accordance with 3238

section 3318.063 of the Revised Code, the levy of a tax for the 3239  
maintenance of the classroom facilities acquired under the 3240  
district's project and that levy continues to be collected as 3241  
approved by the electors. 3242

(D) For joint vocational school districts that receive 3243  
assistance under sections 3318.40 to 3318.45 of the Revised Code, 3244  
provision for deposit of school district moneys dedicated to 3245  
maintenance of the classroom facilities acquired under those 3246  
sections as prescribed in section 3318.43 of the Revised Code; 3247

(E) Dedication of any local donated contribution as provided 3248  
for under section 3318.084 of the Revised Code, including a 3249  
schedule for depositing such moneys applied as an offset of the 3250  
district's obligation to levy the tax described in division (B) of 3251  
section 3318.05 of the Revised Code as required under division 3252  
(D)(2) of section 3318.084 of the Revised Code; 3253

(F) Ownership of or interest in the project during the period 3254  
of construction, which shall be divided between the commission and 3255  
the school district board in proportion to their respective 3256  
contributions to the school district's project construction fund; 3257

(G) Maintenance of the state's interest in the project until 3258  
any obligations issued for the project under section 3318.26 of 3259  
the Revised Code are no longer outstanding; 3260

(H) The insurance of the project by the school district from 3261  
the time there is an insurable interest therein and so long as the 3262  
state retains any ownership or interest in the project pursuant to 3263  
division (F) of this section, in such amounts and against such 3264  
risks as the commission shall require; provided, that the cost of 3265  
any required insurance until the project is completed shall be a 3266  
part of the basic project cost; 3267

(I) The certification by the director of budget and 3268  
management that funds are available and have been set aside to 3269

meet the state's share of the basic project cost as approved by 3270  
the controlling board pursuant to either section 3318.04 or 3271  
division (B)(1) of section 3318.41 of the Revised Code; 3272

(J) Authorization of the school district board to advertise 3273  
for and receive construction bids for the project, for and on 3274  
behalf of the commission, and to award contracts in the name of 3275  
the state subject to approval by the commission; 3276

(K) Provisions for the disbursement of moneys from the school 3277  
district's project account upon issuance by the commission or the 3278  
commission's designated representative of vouchers for work done 3279  
to be certified to the commission by the treasurer of the school 3280  
district board; 3281

(L) Disposal of any balance left in the school district's 3282  
project construction fund upon completion of the project; 3283

(M) Limitations upon use of the project or any part of it so 3284  
long as any obligations issued to finance the project under 3285  
section 3318.26 of the Revised Code are outstanding; 3286

(N) Provision for vesting the state's interest in the project 3287  
to the school district board when the obligations issued to 3288  
finance the project under section 3318.26 of the Revised Code are 3289  
outstanding; 3290

(O) Provision for deposit of an executed copy of the 3291  
agreement in the office of the commission; 3292

(P) Provision for termination of the contract and release of 3293  
the funds encumbered at the time of the conditional approval, if 3294  
the proceeds of the sale of the bonds of the school district board 3295  
are not paid into the school district's project construction fund 3296  
and if bids for the construction of the project have not been 3297  
taken within such period after the execution of the agreement as 3298  
may be fixed by the commission; 3299

(Q) Provision for the school district to maintain the project 3300  
in accordance with a plan approved by the commission; 3301

(R) Provision that all state funds reserved and encumbered to 3302  
pay the state share of the cost of the project and the funds 3303  
provided by the school district to pay for its share of the 3304  
project cost, including the respective shares of the cost of a 3305  
segment if the project is divided into segments, be spent on the 3306  
construction and acquisition of the project or segment 3307  
simultaneously in proportion to the state's and the school 3308  
district's respective shares of that basic project cost as 3309  
determined under section 3318.032 of the Revised Code or, if the 3310  
district is a joint vocational school district, under section 3311  
3318.42 of the Revised Code. However, if the school district 3312  
certifies to the commission that expenditure by the school 3313  
district is necessary to maintain the federal tax status or 3314  
tax-exempt status of notes or bonds issued by the school district 3315  
to pay for its share of the project cost or to comply with 3316  
applicable temporary investment periods or spending exceptions to 3317  
rebate as provided for under federal law in regard to those notes 3318  
or bonds, the school district may commit to spend, or spend, a 3319  
greater portion of the funds it provides during any specific 3320  
period than would otherwise be required under this division. 3321

(S) A provision stipulating that the commission may prohibit 3322  
the district from proceeding with any project if the commission 3323  
determines that the site is not suitable for construction 3324  
purposes. The commission may perform soil tests in its 3325  
determination of whether a site is appropriate for construction 3326  
purposes. 3327

(T) A provision stipulating that, unless otherwise authorized 3328  
by the commission, any contingency reserve portion of the 3329  
construction budget prescribed by the commission shall be used 3330  
only to pay costs resulting from unforeseen job conditions, to 3331

comply with rulings regarding building and other codes, to pay 3332  
costs related to design clarifications or corrections to contract 3333  
documents, and to pay the costs of settlements or judgments 3334  
related to the project as provided under section 3318.086 of the 3335  
Revised Code; 3336

(U) Provision stipulating that for continued release of 3337  
project funds the school district board shall comply with ~~section~~ 3338  
sections 3313.41 and 3313.412 of the Revised Code throughout the 3339  
project and shall notify the department of education and the Ohio 3340  
community school association when the board plans to dispose of 3341  
facilities by sale under ~~that section~~ those sections; 3342

(V) Provision that the commission shall not approve a 3343  
contract for demolition of a facility until the school district 3344  
board has complied with ~~section~~ sections 3313.41 and 3313.412 of 3345  
the Revised Code relative to that facility, unless demolition of 3346  
that facility is to clear a site for construction of a replacement 3347  
facility included in the district's project. 3348

**Sec. 3319.02.** (A)(1) As used in this section, "other 3349  
administrator" means any of the following: 3350

(a) Except as provided in division (A)(2) of this section, 3351  
any employee in a position for which a board of education requires 3352  
a license designated by rule of the department of education for 3353  
being an administrator issued under section 3319.22 of the Revised 3354  
Code, including a professional pupil services employee or 3355  
administrative specialist or an equivalent of either one who is 3356  
not employed as a school counselor and spends less than fifty per 3357  
cent of the time employed teaching or working with students; 3358

(b) Any nonlicensed employee whose job duties enable such 3359  
employee to be considered as either a "supervisor" or a 3360  
"management level employee," as defined in section 4117.01 of the 3361  
Revised Code; 3362

(c) A business manager appointed under section 3319.03 of the Revised Code. 3363  
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(2) As used in this section, "other administrator" does not include a superintendent, assistant superintendent, principal, or assistant principal. 3365  
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(B) The board of education of each school district and the governing board of an educational service center may appoint one or more assistant superintendents and such other administrators as are necessary. An assistant educational service center superintendent or service center supervisor employed on a part-time basis may also be employed by a local board as a teacher. The board of each city, exempted village, and local school district shall employ principals for all high schools and for such other schools as the board designates, and those boards may appoint assistant principals for any school that they designate. 3368  
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(C) In educational service centers and in city, exempted village, and local school districts, assistant superintendents, principals, assistant principals, and other administrators shall only be employed or reemployed in accordance with nominations of the superintendent, except that a board of education of a school district or the governing board of a service center, by a three-fourths vote of its full membership, may reemploy any assistant superintendent, principal, assistant principal, or other administrator whom the superintendent refuses to nominate. 3379  
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The board of education or governing board shall execute a written contract of employment with each assistant superintendent, principal, assistant principal, and other administrator it employs or reemploys. The term of such contract shall not exceed three years except that in the case of a person who has been employed as an assistant superintendent, principal, assistant principal, or other administrator in the district or center for three years or 3388  
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more, the term of the contract shall be for not more than five 3395  
years and, unless the superintendent of the district recommends 3396  
otherwise, not less than two years. If the superintendent so 3397  
recommends, the term of the contract of a person who has been 3398  
employed by the district or service center as an assistant 3399  
superintendent, principal, assistant principal, or other 3400  
administrator for three years or more may be one year, but all 3401  
subsequent contracts granted such person shall be for a term of 3402  
not less than two years and not more than five years. When a 3403  
teacher with continuing service status becomes an assistant 3404  
superintendent, principal, assistant principal, or other 3405  
administrator with the district or service center with which the 3406  
teacher holds continuing service status, the teacher retains such 3407  
status in the teacher's nonadministrative position as provided in 3408  
sections 3311.77, 3319.08, and 3319.09 of the Revised Code. 3409

A board of education or governing board may reemploy an 3410  
assistant superintendent, principal, assistant principal, or other 3411  
administrator at any regular or special meeting held during the 3412  
period beginning on the first day of January of the calendar year 3413  
immediately preceding the year of expiration of the employment 3414  
contract and ending on the last day of March of the year the 3415  
employment contract expires. 3416

Except by mutual agreement of the parties thereto, no 3417  
assistant superintendent, principal, assistant principal, or other 3418  
administrator shall be transferred during the life of a contract 3419  
to a position of lesser responsibility. No contract may be 3420  
terminated by a board except pursuant to section 3319.16 of the 3421  
Revised Code. No contract may be suspended except pursuant to 3422  
section 3319.17 or 3319.171 of the Revised Code. The salaries and 3423  
compensation prescribed by such contracts shall not be reduced by 3424  
a board unless such reduction is a part of a uniform plan 3425  
affecting the entire district or center. The contract shall 3426

specify the employee's administrative position and duties as 3427  
included in the job description adopted under division (D) of this 3428  
section, the salary and other compensation to be paid for 3429  
performance of duties, the number of days to be worked, the number 3430  
of days of vacation leave, if any, and any paid holidays in the 3431  
contractual year. 3432

An assistant superintendent, principal, assistant principal, 3433  
or other administrator is, at the expiration of the current term 3434  
of employment, deemed reemployed at the same salary plus any 3435  
increments that may be authorized by the board, unless such 3436  
employee notifies the board in writing to the contrary on or 3437  
before the first day of June, or unless such board, on or before 3438  
the last day of March of the year in which the contract of 3439  
employment expires, either reemploys such employee for a 3440  
succeeding term or gives written notice of its intention not to 3441  
reemploy the employee. The term of reemployment of a person 3442  
reemployed under this paragraph shall be one year, except that if 3443  
such person has been employed by the school district or service 3444  
center as an assistant superintendent, principal, assistant 3445  
principal, or other administrator for three years or more, the 3446  
term of reemployment shall be two years. 3447

(D)(1) Each board shall adopt procedures for the evaluation 3448  
of all assistant superintendents, principals, assistant 3449  
principals, and other administrators and shall evaluate such 3450  
employees in accordance with those procedures. The procedures for 3451  
the evaluation of principals shall be based on principles 3452  
comparable to the teacher evaluation policy adopted by the board 3453  
under section 3319.111 of the Revised Code, but shall be tailored 3454  
to the duties and responsibilities of principals and the 3455  
environment in which principals work. An evaluation based upon 3456  
procedures adopted under this division shall be considered by the 3457  
board in deciding whether to renew the contract of employment of 3458



an assistant superintendent, principal, assistant principal, or 3459  
other administrator. 3460

(2) The evaluation shall measure each assistant 3461  
superintendent's, principal's, assistant principal's, and other 3462  
administrator's effectiveness in performing the duties included in 3463  
the job description and the evaluation procedures shall provide 3464  
for, but not be limited to, the following: 3465

(a) Each assistant superintendent, principal, assistant 3466  
principal, and other administrator shall be evaluated annually 3467  
through a written evaluation process. 3468

(b) The evaluation shall be conducted by the superintendent 3469  
or designee. 3470

(c) In order to provide time to show progress in correcting 3471  
the deficiencies identified in the evaluation process, the 3472  
evaluation process shall be completed as follows: 3473

(i) In any school year that the employee's contract of 3474  
employment is not due to expire, at least one evaluation shall be 3475  
completed in that year. A written copy of the evaluation shall be 3476  
provided to the employee no later than the end of the employee's 3477  
contract year as defined by the employee's annual salary notice. 3478

(ii) In any school year that the employee's contract of 3479  
employment is due to expire, at least a preliminary evaluation and 3480  
at least a final evaluation shall be completed in that year. A 3481  
written copy of the preliminary evaluation shall be provided to 3482  
the employee at least sixty days prior to any action by the board 3483  
on the employee's contract of employment. The final evaluation 3484  
shall indicate the superintendent's intended recommendation to the 3485  
board regarding a contract of employment for the employee. A 3486  
written copy of the evaluation shall be provided to the employee 3487  
at least five days prior to the board's acting to renew or not 3488  
renew the contract. 3489

(3) Termination of an assistant superintendent, principal, 3490  
assistant principal, or other administrator's contract shall be 3491  
pursuant to section 3319.16 of the Revised Code. Suspension of any 3492  
such employee shall be pursuant to section 3319.17 or 3319.171 of 3493  
the Revised Code. 3494

(4) Before taking action to renew or nonrenew the contract of 3495  
an assistant superintendent, principal, assistant principal, or 3496  
other administrator under this section and prior to the last day 3497  
of March of the year in which such employee's contract expires, 3498  
the board shall notify each such employee of the date that the 3499  
contract expires and that the employee may request a meeting with 3500  
the board. Upon request by such an employee, the board shall grant 3501  
the employee a meeting in executive session. In that meeting, the 3502  
board shall discuss its reasons for considering renewal or 3503  
nonrenewal of the contract. The employee shall be permitted to 3504  
have a representative, chosen by the employee, present at the 3505  
meeting. 3506

(5) The establishment of an evaluation procedure shall not 3507  
create an expectancy of continued employment. Nothing in division 3508  
(D) of this section shall prevent a board from making the final 3509  
determination regarding the renewal or nonrenewal of the contract 3510  
of any assistant superintendent, principal, assistant principal, 3511  
or other administrator. However, if a board fails to provide 3512  
evaluations pursuant to division (D)(2)(c)(i) or (ii) of this 3513  
section, or if the board fails to provide at the request of the 3514  
employee a meeting as prescribed in division (D)(4) of this 3515  
section, the employee automatically shall be reemployed at the 3516  
same salary plus any increments that may be authorized by the 3517  
board for a period of one year, except that if the employee has 3518  
been employed by the district or service center as an assistant 3519  
superintendent, principal, assistant principal, or other 3520  
administrator for three years or more, the period of reemployment 3521

shall be for two years. 3522

(E) On nomination of the superintendent of a service center a 3523  
governing board may employ supervisors who shall be employed under 3524  
written contracts of employment for terms not to exceed five years 3525  
each. Such contracts may be terminated by a governing board 3526  
pursuant to section 3319.16 of the Revised Code. Any supervisor 3527  
employed pursuant to this division may terminate the contract of 3528  
employment at the end of any school year after giving the board at 3529  
least thirty days' written notice prior to such termination. On 3530  
the recommendation of the superintendent the contract or contracts 3531  
of any supervisor employed pursuant to this division may be 3532  
suspended for the remainder of the term of any such contract 3533  
pursuant to section 3319.17 or 3319.171 of the Revised Code. 3534

(F) A board may establish vacation leave for any individuals 3535  
employed under this section. Upon such an individual's separation 3536  
from employment, a board that has such leave may compensate such 3537  
an individual at the individual's current rate of pay for all 3538  
lawfully accrued and unused vacation leave credited at the time of 3539  
separation, not to exceed the amount accrued within three years 3540  
before the date of separation. In case of the death of an 3541  
individual employed under this section, such unused vacation leave 3542  
as the board would have paid to the individual upon separation 3543  
under this section shall be paid in accordance with section 3544  
2113.04 of the Revised Code, or to the estate. 3545

(G) The board of education of any school district may 3546  
contract with the governing board of the educational service 3547  
center from which it otherwise receives services to conduct 3548  
searches and recruitment of candidates for assistant 3549  
superintendent, principal, assistant principal, and other 3550  
administrator positions authorized under this section. 3551

**Sec. 3319.071.** The board of education of any school district 3552

may, by resolution, establish a professional development program 3553  
for teachers in accordance with which it may reimburse teachers 3554  
employed by the district for all or any part of the cost incurred 3555  
by the teacher in the successful completion of a course or 3556  
training program in which the teacher enrolled as part of the 3557  
development program. The terms and conditions for participation 3558  
shall be determined by the board and shall be included in the 3559  
resolution establishing the program. 3560

No teacher shall be required to participate in a professional 3561  
development program under this section. When a teacher is 3562  
participating in such a program, such participation does not 3563  
constitute the performance of duties by such teacher in addition 3564  
to the teacher's regular teaching duties and is not subject to 3565  
section 3311.77 or 3319.08 of the Revised Code. 3566

As used in this section, "teacher" has the meaning contained 3567  
in division (A) of section 3319.09 of the Revised Code. 3568

**Sec. 3319.10.** Teachers may be employed as substitute teachers 3569  
for terms not to exceed one year for assignment as services are 3570  
needed to take the place of regular teachers absent on account of 3571  
illness or on leaves of absence or to fill temporarily positions 3572  
created by emergencies; such assignment to be subject to 3573  
termination when such services no longer are needed. 3574

A teacher employed as a substitute with an assignment to one 3575  
specific teaching position shall after sixty days of service be 3576  
granted sick leave, visiting days, and other local privileges 3577  
granted to regular teachers including a salary not less than the 3578  
minimum salary on the current adopted salary schedule. 3579

A teacher employed as a substitute for one hundred twenty 3580  
days or more during a school year and re-employed for or assigned 3581  
to a specific teaching position for the succeeding year shall 3582  
receive a contract as a regular teacher if the substitute meets 3583

the local educational requirements for the employment of regular teachers. 3584  
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Teachers employed as substitutes on a casual or day-to-day basis shall not be entitled to the notice of nonre-employment prescribed in section 3311.81 or 3319.11 of the Revised Code, but boards of education may grant such teachers sick leave and other local privileges and cumulate such service in determining seniority. 3586  
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For purposes of determining in any school year the days of service of a substitute teacher under this section, any teacher's days of service in that school year while conditionally employed as a substitute teacher under section 3319.101 of the Revised Code shall count as days of service as a substitute teacher under this section. 3592  
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**Sec. 3319.112.** (A) Not later than December 31, 2011, the state board of education shall develop a standards-based state framework for the evaluation of teachers. The framework shall establish an evaluation system that does the following: 3598  
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(1) Provides for multiple evaluation factors, including student academic growth which shall account for fifty per cent of each evaluation; 3602  
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(2) Is aligned with the standards for teachers adopted under section 3319.61 of the Revised Code; 3605  
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(3) Requires observation of the teacher being evaluated, including at least two formal observations by the evaluator of at least thirty minutes each and classroom walk-throughs; 3607  
3608  
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(4) Assigns a rating on each evaluation in accordance with division (B) of this section; 3610  
3611

(5) Requires each teacher to be provided with a written report of the results of the teacher's evaluation; 3612  
3613

(6) Identifies measures of student academic growth for grade levels and subjects for which the value-added progress dimension prescribed by section 3302.021 of the Revised Code does not apply;	3614 3615 3616
(7) Implements a classroom-level, value-added program developed by a nonprofit organization described in division (B) of section 3302.021 of the Revised Code;	3617 3618 3619
(8) Provides for professional development to accelerate and continue teacher growth and provide support to poorly performing teachers;	3620 3621 3622
(9) Provides for the allocation of financial resources to support professional development.	3623 3624
(B) For purposes of the framework developed under this section, the state board also shall do the following:	3625 3626
(1) Develop specific standards and criteria that distinguish between the following levels of performance for teachers and principals for the purpose of assigning ratings on the evaluations conducted under sections <u>3311.80, 3311.84, 3319.02,</u> and 3319.111 of the Revised Code:	3627 3628 3629 3630 3631
(a) Accomplished;	3632
(b) Proficient;	3633
(c) Developing;	3634
(d) Ineffective.	3635
(2) For grade levels and subjects for which the assessments prescribed under sections 3301.0710 and 3301.0712 of the Revised Code and the value-added progress dimension prescribed by section 3302.021 of the Revised Code do not apply, develop a list of student assessments that measure mastery of the course content for the appropriate grade level, which may include nationally normed standardized assessments, industry certification examinations, or end-of-course examinations.	3636 3637 3638 3639 3640 3641 3642 3643

(C) The state board shall consult with experts, teachers and principals employed in public schools, and representatives of stakeholder groups in developing the standards and criteria required by division (B)(1) of this section.

(D) To assist school districts in developing evaluation policies under sections 3311.80, 3311.84, 3319.02, and 3319.111 of the Revised Code, the department shall do both of the following:

(1) Serve as a clearinghouse of promising evaluation procedures and evaluation models that districts may use;

(2) Provide technical assistance to districts in creating evaluation policies.

**Sec. 3319.12.** Each board of education shall cause notice to be given annually not later than the first day of July to each teacher who holds a contract valid for the succeeding school year, as to the salary to be paid such teacher during such year. Such salary shall not be lower than the salary paid during the preceding school year unless such reduction is a part of a uniform plan affecting the entire district. This section does not prevent increases of salary after the board's annual notice has been given.

Except by mutual agreement of the parties thereto a teacher employed under a contract of employment in an administrative<sup>7</sup> or supervisory position in a school district, or in any position provided for by section 3319.01 or 3319.02 of the Revised Code, shall not be transferred during the life of ~~his~~ the teacher's contract to a position of lesser responsibility. No contract or supplemental contract for the employment of a teacher, whether for an administrative or supervisory position, a position provided for by sections 3319.01 and 3319.02 of the Revised Code, regular teaching duties, or additional duties, may be terminated or suspended by a board of education except pursuant to section

3311.82, 3319.02, or 3319.16 of the Revised Code, and the salaries 3675  
and compensations prescribed by such contracts shall not be 3676  
reduced by a board of education unless such reduction is a part of 3677  
a uniform plan affecting the entire district. This section shall 3678  
apply only to contracts entered into after August 18, 1969. 3679

**Sec. 3319.13.** Upon the written request of a teacher or a 3680  
regular nonteaching school employee, a board of education may 3681  
grant a leave of absence for a period of not more than two 3682  
consecutive school years for educational, professional, or other 3683  
purposes, and shall grant such leave where illness or other 3684  
disability is the reason for the request. Upon subsequent request, 3685  
such leave may be renewed by the board. Without request, a board 3686  
may grant similar leave of absence and renewals thereof to any 3687  
teacher or regular nonteaching school employee because of physical 3688  
or mental disability, but such teacher may have a hearing before 3689  
the board on such unrequested leave of absence or its renewals in 3690  
accordance with section 3311.82 or 3319.16 of the Revised Code, 3691  
and such nonteaching school employee may have a hearing on such 3692  
unrequested leave of absence or its renewals in accordance with 3693  
division (C) of section 3319.081 of the Revised Code. Upon the 3694  
return to service of a teacher or a nonteaching school employee at 3695  
the expiration of a leave of absence, the teacher or nonteaching 3696  
school employee shall resume the contract status that the teacher 3697  
or nonteaching school employee held prior to the leave of absence. 3698  
Any teacher who leaves a teaching position for service in the 3699  
uniformed services and who returns from service in the uniformed 3700  
services that is terminated in a manner other than as described in 3701  
section 4304 of Title 38 of the United States Code, "Uniformed 3702  
Services Employment and Reemployment Rights Act of 1994," 108 3703  
Stat. 3149, 38 U.S.C.A. 4304, shall resume the contract status 3704  
held prior to entering the uniformed services, subject to passing 3705  
a physical examination by an individual authorized by the Revised 3706



Code to conduct physical examinations, including a physician 3707  
assistant, a clinical nurse specialist, a certified nurse 3708  
practitioner, or a certified nurse-midwife. Any written 3709  
documentation of the physical examination shall be completed by 3710  
the individual who conducted the examination. Such contract status 3711  
shall be resumed at the first of the school semester or the 3712  
beginning of the school year following return from the uniformed 3713  
services. For purposes of this section and section 3319.14 of the 3714  
Revised Code, "uniformed services" and "service in the uniformed 3715  
services" have the same meanings as defined in section 5923.05 of 3716  
the Revised Code. 3717

Upon the return of a nonteaching school employee from a leave 3718  
of absence, the board may terminate the employment of a person 3719  
hired exclusively for the purpose of replacing the returning 3720  
employee while the returning employee was on leave. If, after the 3721  
return of a nonteaching employee from leave, the person employed 3722  
exclusively for the purpose of replacing an employee while the 3723  
employee was on leave is continued in employment as a regular 3724  
nonteaching school employee or if the person is hired by the board 3725  
as a regular nonteaching school employee within a year after 3726  
employment as a replacement is terminated, the person shall, for 3727  
purposes of section 3319.081 of the Revised Code, receive credit 3728  
for the person's length of service with the school district during 3729  
such replacement period in the following manner: 3730

(A) If employed as a replacement for less than twelve months, 3731  
the person shall be employed under a contract valid for a period 3732  
equal to twelve months less the number of months employed as a 3733  
replacement. At the end of such contract period, if the person is 3734  
reemployed it shall be under a two-year contract. Subsequent 3735  
reemployment shall be pursuant to division (B) of section 3319.081 3736  
of the Revised Code. 3737

(B) If employed as a replacement for twelve months or more 3738

but less than twenty-four months, the person shall be employed 3739  
under a contract valid for a period equal to twenty-four months 3740  
less the number of months employed as a replacement. Subsequent 3741  
reemployment shall be pursuant to division (B) of section 3319.081 3742  
of the Revised Code. 3743

(C) If employed as a replacement for more than twenty-four 3744  
months, the person shall be employed pursuant to division (B) of 3745  
section 3319.081 of the Revised Code. 3746

For purposes of this section, employment during any part of a 3747  
month shall count as employment during the entire month. 3748

**Sec. 3319.14.** Any teacher who has left, or leaves, a teaching 3749  
position, by resignation or otherwise, and within forty school 3750  
days thereafter entered, or enters, the uniformed services and 3751  
whose service is terminated in a manner other than as described in 3752  
section 4304 of Title 38 of the United States Code, "Uniformed 3753  
Services Employment and Reemployment Rights Act of 1994," 108 3754  
Stat. 3149, 38 U.S.C.A. 4304, shall be reemployed by the board of 3755  
education of the district in which the teacher held such teaching 3756  
position, under the same type of contract as that which the 3757  
teacher last held in such district, if the teacher applies to the 3758  
board of education for reemployment in accordance with the 3759  
"Uniformed Services Employment and Reemployment Rights Act of 3760  
1994," 108 Stat. 3149, 38 U.S.C.A. 4312. Upon such application, 3761  
the teacher shall be reemployed at the first of the next school 3762  
semester, if the application is made not less than thirty days 3763  
prior to the first of the next school semester, in which case the 3764  
teacher shall be reemployed the first of the following school 3765  
semester, unless the board of education waives the requirement for 3766  
the thirty-day period. 3767

For the purposes of seniority and placement on the salary 3768  
schedule, years of absence performing service in the uniformed 3769

services shall be counted as though teaching service had been 3770  
performed during such time. 3771

The board of education of the district in which such teacher 3772  
was employed and is reemployed under this section may suspend the 3773  
contract of the teacher whose services become unnecessary by 3774  
reason of the return of a teacher from service in the uniformed 3775  
services in accordance with section 3311.83, 3319.17, or 3319.171 3776  
of the Revised Code. 3777

**Sec. 3319.141.** Each person who is employed by any board of 3778  
education in this state, except for substitutes, adult education 3779  
instructors who are scheduled to work the full-time equivalent of 3780  
less than one hundred twenty days per school year, or persons who 3781  
are employed on an as-needed, seasonal, or intermittent basis, 3782  
shall be entitled to fifteen days sick leave with pay, for each 3783  
year under contract, which shall be credited at the rate of one 3784  
and one-fourth days per month. Teachers and regular nonteaching 3785  
school employees, upon approval of the responsible administrative 3786  
officer of the school district, may use sick leave for absence due 3787  
to personal illness, pregnancy, injury, exposure to contagious 3788  
disease which could be communicated to others, and for absence due 3789  
to illness, injury, or death in the employee's immediate family. 3790  
Unused sick leave shall be cumulative up to one hundred twenty 3791  
work days, unless more than one hundred twenty days are approved 3792  
by the employing board of education. The previously accumulated 3793  
sick leave of a person who has been separated from public service, 3794  
whether accumulated pursuant to section 124.38 of the Revised Code 3795  
or pursuant to this section, shall be placed to the person's 3796  
credit upon re-employment in the public service, provided that 3797  
such re-employment takes place within ten years of the date of the 3798  
last termination from public service. A teacher or nonteaching 3799  
school employee who transfers from one public agency to another 3800  
shall be credited with the unused balance of the teacher's or 3801

nonteaching employee's accumulated sick leave up to the maximum of 3802  
the sick leave accumulation permitted in the public agency to 3803  
which the employee transfers. Teachers and nonteaching school 3804  
employees who render regular part-time, per diem, or hourly 3805  
service shall be entitled to sick leave for the time actually 3806  
worked at the same rate as that granted like full-time employees, 3807  
calculated in the same manner as the ratio of sick leave granted 3808  
to hours of service established by section 124.38 of the Revised 3809  
Code. Each board of education may establish regulations for the 3810  
entitlement, crediting and use of sick leave by those substitute 3811  
teachers employed by such board pursuant to section 3319.10 of the 3812  
Revised Code who are not otherwise entitled to sick leave pursuant 3813  
to such section. A board of education shall require a teacher or 3814  
nonteaching school employee to furnish a written, signed statement 3815  
on forms prescribed by such board to justify the use of sick 3816  
leave. If medical attention is required, the employee's statement 3817  
shall list the name and address of the attending physician and the 3818  
dates when the physician was consulted. Nothing in this section 3819  
shall be construed to waive the physician-patient privilege 3820  
provided by section 2317.02 of the Revised Code. Falsification of 3821  
a statement is grounds for suspension or termination of employment 3822  
under sections 3311.82, 3319.081, and 3319.16 of the Revised Code. 3823  
No sick leave shall be granted or credited to a teacher after the 3824  
teacher's retirement or termination of employment. 3825

Except to the extent used as sick leave, leave granted under 3826  
regulations adopted by a board of education pursuant to section 3827  
3311.77 or 3319.08 of the Revised Code shall not be charged 3828  
against sick leave earned or earnable under this section. Nothing 3829  
in this section shall be construed to affect in any other way the 3830  
granting of leave pursuant to section 3311.77 or 3319.08 of the 3831  
Revised Code and any granting of sick leave pursuant to such 3832  
section shall be charged against sick leave accumulated pursuant 3833  
to this section. 3834

This section shall not be construed to interfere with any 3835  
unused sick leave credit in any agency of government where 3836  
attendance records are maintained and credit has been given for 3837  
unused sick leave. Unused sick leave accumulated by teachers and 3838  
nonteaching school employees under section 124.38 of the Revised 3839  
Code shall continue to be credited toward the maximum accumulation 3840  
permitted in accordance with this section. Each newly hired 3841  
regular nonteaching and each regular nonteaching employee of any 3842  
board of education who has exhausted the employee's accumulated 3843  
sick leave shall be entitled to an advancement of not less than 3844  
five days of sick leave each year, as authorized by rules which 3845  
each board shall adopt, to be charged against the sick leave the 3846  
employee subsequently accumulates under this section. 3847

This section shall be uniformly administered. 3848

**Sec. 3319.143.** Notwithstanding section 3319.141 of the 3849  
Revised Code, the board of education of a city, exempted village, 3850  
local or joint vocational school district may adopt a policy of 3851  
assault leave by which an employee who is absent due to physical 3852  
disability resulting from an assault which occurs in the course of 3853  
board employment will be maintained on full pay status during the 3854  
period of such absence. A board of education electing to effect 3855  
such a policy of assault leave shall establish rules for the 3856  
entitlement, crediting, and use of assault leave and file a copy 3857  
of same with the state board of education. A board of education 3858  
adopting this policy shall require an employee to furnish a signed 3859  
statement on forms prescribed by such board to justify the use of 3860  
assault leave. If medical attention is required, a certificate 3861  
from a licensed physician stating the nature of the disability and 3862  
its duration shall be required before assault leave can be 3863  
approved for payment. Falsification of either a signed statement 3864  
or a physician's certificate is ground for suspension or 3865  
termination of employment under section 3311.82 or 3319.16 of the 3866

Revised Code. 3867

Assault leave granted under rules adopted by a board of 3868  
education pursuant to this section shall not be charged against 3869  
sick leave earned or earnable under section 3319.141 of the 3870  
Revised Code or leave granted under rules adopted by a board of 3871  
education pursuant to section 3311.77 or 3319.08 of the Revised 3872  
Code. This section shall be uniformly administered in those 3873  
districts where such policy is adopted. 3874

**Sec. 3319.151.** (A) No person shall reveal to any student any 3875  
specific question that the person knows is part of an assessment 3876  
to be administered under section 3301.0711 of the Revised Code or 3877  
in any other way assist a pupil to cheat on such an assessment. 3878

(B) On a finding by the state board of education, after 3879  
investigation, that a school employee who holds a license issued 3880  
under sections 3319.22 to 3319.31 of the Revised Code has violated 3881  
division (A) of this section, the license of such teacher shall be 3882  
suspended for one year. Prior to commencing an investigation, the 3883  
board shall give the teacher notice of the allegation and an 3884  
opportunity to respond and present a defense. 3885

(C)(1) Violation of division (A) of this section is grounds 3886  
for termination of employment of a nonteaching employee under 3887  
division (C) of section 3319.081 or section 124.34 of the Revised 3888  
Code. 3889

(2) Violation of division (A) of this section is grounds for 3890  
termination of a teacher contract under section 3311.82 or 3319.16 3891  
of the Revised Code. 3892

**Sec. 3319.18.** If an entire school district or that part of a 3893  
school district which comprises the territory in which a school is 3894  
situated is transferred to any other district, or if a new school 3895  
district is created, the teachers in such districts or schools 3896

employed on continuing contracts immediately prior to such 3897  
transfer, or creation shall, subject to section 3311.83, 3319.17, 3898  
or 3319.171 of the Revised Code, have continuing service status in 3899  
the newly created district, or in the district to which the 3900  
territory is transferred. 3901

The limited contracts of the teachers employed in such 3902  
districts or schools immediately prior to such transfer, or 3903  
creation, shall become the legal obligations of the board of 3904  
education in the newly created district, or in the district to 3905  
which the territory is transferred, subject to section 3311.83, 3906  
3319.17, or 3319.171 of the Revised Code. The teaching experience 3907  
of such teachers in such prior districts or schools shall be 3908  
included in the three years of service required under section 3909  
3319.11 of the Revised Code for a teacher to become eligible for 3910  
continuing service status. 3911

Teachers employed on limited or continuing contracts in an 3912  
entire school district or that part of a school district which 3913  
comprises the territory in which a school is situated which is 3914  
transferred to any other district or which is merged with other 3915  
school territory to create a new school district, shall be placed, 3916  
on the effective date of such transfer or merger, on the salary 3917  
schedule of the district to which the territory is transferred or 3918  
the newly created district, according to their training and 3919  
experience. Such experience shall be the total sum of the years 3920  
taught in the district whose territory was transferred or merged 3921  
to create a new district, plus the total number of years of 3922  
teaching experience recognized by such previous district upon its 3923  
first employment of such teachers. 3924

The placement of the teachers on the salary schedule, 3925  
pursuant to this section, shall not result, however, in the salary 3926  
of any teacher being less than the teacher's current annual salary 3927  
for regular duties, in existence immediately prior to the merger 3928

or transfer. 3929

When suspending contracts in accordance with an 3930  
administrative personnel suspension policy adopted under section 3931  
3319.171 of the Revised Code, a board may consider years of 3932  
teaching service in the previous district in its decision if it is 3933  
a part of the suspension policy. 3934

**Sec. 3319.283.** (A) The board of education of any school 3935  
district may employ an individual who is not certificated or 3936  
licensed as required by Chapter 3319. of the Revised Code, but who 3937  
meets the following qualifications, as a teacher in the schools of 3938  
the district: 3939

(1) The individual is a veteran of the armed forces of the 3940  
United States and was honorably discharged within three years of 3941  
June 30, 1997; 3942

(2) While in the armed forces the individual had meaningful 3943  
teaching or other instructional experience; 3944

(3) The individual holds at least a baccalaureate degree. 3945

(B) An individual employed under this section shall be deemed 3946  
to hold a teaching certificate or educator license for the 3947  
purposes of state and federal law and rules and regulations and 3948  
school district policies, rules, and regulations. However, an 3949  
individual employed under this section is not a highly qualified 3950  
teacher for purposes of the school district's compliance with 3951  
section 3319.074 of the Revised Code. Each individual employed 3952  
under this section shall meet the requirement to successfully 3953  
complete fifteen hours, or the equivalent, of coursework every 3954  
five years that is approved by the local professional development 3955  
committee as is required of other teachers licensed in accordance 3956  
with Chapter 3319. of the Revised Code. 3957

(C) The superintendent of public instruction may revoke the 3958



right of an individual employed under division (A) of this section 3959  
to teach if, after an investigation and an adjudication conducted 3960  
pursuant to Chapter 119. of the Revised Code, the superintendent 3961  
finds that the person is not competent to teach the subject the 3962  
person has been employed to teach or did not fulfill the 3963  
requirements of division (A) of this section. No individual whose 3964  
right to teach has been revoked under this division shall teach in 3965  
a public school, and no board of education may engage such an 3966  
individual to teach in the schools of its district. 3967

Notwithstanding division (B) of this section, a board of 3968  
education is not required to comply with the provisions of 3969  
sections 3311.81, 3311.82, 3319.11, and 3319.16 of the Revised 3970  
Code with regard to termination of employment if the 3971  
superintendent, after an investigation and an adjudication, has 3972  
revoked the individual's right to teach. 3973

**Sec. 4117.25.** (A) As used in this section: 3974

(1) Notwithstanding division (B) of section 4117.01 of the 3975  
Revised Code, "public employer" means either of the following: 3976

(a) A board of education of a municipal school district; 3977

(b) The governing authority of a conversion community school 3978  
that is sponsored by the board of education of a municipal school 3979  
district. 3980

(2) "Municipal school district" has the same meaning as in 3981  
section 3311.71 of the Revised Code. 3982

(B) Notwithstanding division (B) of section 4117.14 of the 3983  
Revised Code, if an agreement exists between a public employer and 3984  
an exclusive representative of the public employer's public 3985  
employees, a party to that agreement shall serve written notice 3986  
upon the other party to negotiate a new collective bargaining 3987  
agreement pursuant to this section and the state employment 3988

relations board to commence negotiating that agreement not less 3989  
than one hundred twenty days prior to the date the existing 3990  
agreement expires. Upon receipt of the notice, the parties shall 3991  
enter into collective bargaining. The parties shall continue in 3992  
full force and effect all the terms and conditions of the existing 3993  
collective bargaining agreement, without resort to strike or 3994  
lock-out, for a period of one hundred twenty days after the party 3995  
gives notice or until the expiration date of the collective 3996  
bargaining agreement, whichever occurs later. 3997

(C) Notwithstanding division (G) of section 4117.01, division 3998  
(A)(4) of section 4117.03, or division (A) or (C) of section 3999  
4117.08 of the Revised Code, and except as otherwise provided in 4000  
division (D) of this section, for purposes of negotiating and 4001  
entering into a collective bargaining agreement under this 4002  
section, the continuation, modification, or deletion of an 4003  
existing provision of a collective bargaining agreement is not an 4004  
appropriate subject of collective bargaining. The parties shall 4005  
negotiate the terms of a collective bargaining agreement as if no 4006  
previous collective bargaining agreement to which the public 4007  
employer was a party existed. Any provision in a prior agreement 4008  
entered into by the public employer shall not be a basis for 4009  
negotiating a provision in a collective bargaining agreement 4010  
entered into under this section. 4011

(D) The provisions of a collective bargaining agreement that 4012  
exists on the date the party serves the notice under division (B) 4013  
of this section that address recognition of the exclusive 4014  
representative and the payment of dues and fair share fees may be 4015  
carried over into an agreement entered into under this section. 4016

(E) During the one-hundred-twenty-day period described in 4017  
division (B) of this section, the public employer, consistent with 4018  
sections 3311.71 to 3311.84 of the Revised Code, shall establish 4019  
the hours and terms and conditions of employment of the public 4020

employer's public employees covered by the existing collective bargaining agreement that shall prevail over any conflicting statutes in the same manner as collective bargaining agreements pursuant to section 4117.10 of the Revised Code. The hours and terms and conditions of employment established by the public employer shall be the basis for negotiating a collective bargaining agreement under this section. If the parties fail to enter into a collective bargaining agreement prior to the date the existing collective bargaining agreement expires, the hours and terms and conditions of employment established by the public employer shall govern the public employer's public employees covered by the expiring agreement beginning on the date the agreement expires and ending on the effective date of the collective bargaining agreement entered into under this section. If the parties fail to reach an agreement and have exhausted the procedures described in section 4117.14 of the Revised Code, the public employer's public employees shall continue to be subject to the hours and terms and conditions of employment established by the public employer and consistent with sections 3311.71 to 3311.84 and 4117.10 of the Revised Code.

(F) Except as otherwise provided in this section, the requirements of this chapter apply to a collective bargaining agreement entered into under this section.

(G) The parties may enter into an agreement under this section only one time per applicable bargaining unit. Any future collective bargaining agreements entered into between a public employer and an exclusive representative after an agreement entered into under this section shall be subject to sections 4117.03 to 4117.23 of the Revised Code.

**Sec. 4141.29.** Each eligible individual shall receive benefits as compensation for loss of remuneration due to involuntary total

or partial unemployment in the amounts and subject to the 4052  
conditions stipulated in this chapter. 4053

(A) No individual is entitled to a waiting period or benefits 4054  
for any week unless the individual: 4055

(1) Has filed a valid application for determination of 4056  
benefit rights in accordance with section 4141.28 of the Revised 4057  
Code; 4058

(2) Has made a claim for benefits in accordance with section 4059  
4141.28 of the Revised Code; 4060

(3) Has registered at an employment office or other 4061  
registration place maintained or designated by the director of job 4062  
and family services. Registration shall be made in accordance with 4063  
the time limits, frequency, and manner prescribed by the director. 4064

(4)(a)(i) Is able to work and available for suitable work 4065  
and, except as provided in division (A)(4)(a)(ii) of this section, 4066  
is actively seeking suitable work either in a locality in which 4067  
the individual has earned wages subject to this chapter during the 4068  
individual's base period, or if the individual leaves that 4069  
locality, then in a locality where suitable work normally is 4070  
performed. 4071

(ii) The director may waive the requirement that a claimant 4072  
be actively seeking work when the director finds that the 4073  
individual has been laid off and the employer who laid the 4074  
individual off has notified the director within ten days after the 4075  
layoff, that work is expected to be available for the individual 4076  
within a specified number of days not to exceed forty-five 4077  
calendar days following the last day the individual worked. In the 4078  
event the individual is not recalled within the specified period, 4079  
this waiver shall cease to be operative with respect to that 4080  
layoff. 4081

(b) The individual shall be instructed as to the efforts that 4082

the individual must make in the search for suitable work, except 4083  
where the active search for work requirement has been waived under 4084  
division (A)(4)(a) of this section, and shall keep a record of 4085  
where and when the individual has sought work in complying with 4086  
those instructions and, upon request, shall produce that record 4087  
for examination by the director. 4088

(c) An individual who is attending a training course approved 4089  
by the director meets the requirement of this division, if 4090  
attendance was recommended by the director and the individual is 4091  
regularly attending the course and is making satisfactory 4092  
progress. An individual also meets the requirements of this 4093  
division if the individual is participating and advancing in a 4094  
training program, as defined in division (P) of section 5709.61 of 4095  
the Revised Code, and if an enterprise, defined in division (B) of 4096  
section 5709.61 of the Revised Code, is paying all or part of the 4097  
cost of the individual's participation in the training program 4098  
with the intention of hiring the individual for employment as a 4099  
new employee, as defined in division (L) of section 5709.61 of the 4100  
Revised Code, for at least ninety days after the individual's 4101  
completion of the training program. 4102

(d) An individual who becomes unemployed while attending a 4103  
regularly established school and whose base period qualifying 4104  
weeks were earned in whole or in part while attending that school, 4105  
meets the availability and active search for work requirements of 4106  
division (A)(4)(a) of this section if the individual regularly 4107  
attends the school during weeks with respect to which the 4108  
individual claims unemployment benefits and makes self available 4109  
on any shift of hours for suitable employment with the 4110  
individual's most recent employer or any other employer in the 4111  
individual's base period, or for any other suitable employment to 4112  
which the individual is directed, under this chapter. 4113

(e) The director shall adopt any rules that the director 4114

deems necessary for the administration of division (A)(4) of this section. 4115  
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(f) Notwithstanding any other provisions of this section, no otherwise eligible individual shall be denied benefits for any week because the individual is in training approved under section 236(a)(1) of the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 2296, nor shall that individual be denied benefits by reason of leaving work to enter such training, provided the work left is not suitable employment, or because of the application to any week in training of provisions in this chapter, or any applicable federal unemployment compensation law, relating to availability for work, active search for work, or refusal to accept work. 4117  
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For the purposes of division (A)(4)(f) of this section, "suitable employment" means with respect to an individual, work of a substantially equal or higher skill level than the individual's past adversely affected employment, as defined for the purposes of the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 2101, and wages for such work at not less than eighty per cent of the individual's average weekly wage as determined for the purposes of that federal act. 4127  
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(5) Is unable to obtain suitable work. An individual who is provided temporary work assignments by the individual's employer under agreed terms and conditions of employment, and who is required pursuant to those terms and conditions to inquire with the individual's employer for available work assignments upon the conclusion of each work assignment, is not considered unable to obtain suitable employment if suitable work assignments are available with the employer but the individual fails to contact the employer to inquire about work assignments. 4135  
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(6) Participates in reemployment services, such as job search assistance services, if the individual has been determined to be likely to exhaust benefits under this chapter, including 4144  
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compensation payable pursuant to 5 U.S.C.A. Chapter 85, other than 4147  
extended compensation, and needs reemployment services pursuant to 4148  
the profiling system established by the director under division 4149  
(K) of this section, unless the director determines that: 4150

(a) The individual has completed such services; or 4151

(b) There is justifiable cause for the claimant's failure to 4152  
participate in such services. 4153

(B) An individual suffering total or partial unemployment is 4154  
eligible for benefits for unemployment occurring subsequent to a 4155  
waiting period of one week and no benefits shall be payable during 4156  
this required waiting period. Not more than one week of waiting 4157  
period shall be required of any individual in any benefit year in 4158  
order to establish the individual's eligibility for total or 4159  
partial unemployment benefits. 4160

(C) The waiting period for total or partial unemployment 4161  
shall commence on the first day of the first week with respect to 4162  
which the individual first files a claim for benefits at an 4163  
employment office or other place of registration maintained or 4164  
designated by the director or on the first day of the first week 4165  
with respect to which the individual has otherwise filed a claim 4166  
for benefits in accordance with the rules of the department of job 4167  
and family services, provided such claim is allowed by the 4168  
director. 4169

(D) Notwithstanding division (A) of this section, no 4170  
individual may serve a waiting period or be paid benefits under 4171  
the following conditions: 4172

(1) For any week with respect to which the director finds 4173  
that: 4174

(a) The individual's unemployment was due to a labor dispute 4175  
other than a lockout at any factory, establishment, or other 4176  
premises located in this or any other state and owned or operated 4177

by the employer by which the individual is or was last employed; 4178  
and for so long as the individual's unemployment is due to such 4179  
labor dispute. No individual shall be disqualified under this 4180  
provision if either of the following applies: 4181

(i) The individual's employment was with such employer at any 4182  
factory, establishment, or premises located in this state, owned 4183  
or operated by such employer, other than the factory, 4184  
establishment, or premises at which the labor dispute exists, if 4185  
it is shown that the individual is not financing, participating 4186  
in, or directly interested in such labor dispute; 4187

(ii) The individual's employment was with an employer not 4188  
involved in the labor dispute but whose place of business was 4189  
located within the same premises as the employer engaged in the 4190  
dispute, unless the individual's employer is a wholly owned 4191  
subsidiary of the employer engaged in the dispute, or unless the 4192  
individual actively participates in or voluntarily stops work 4193  
because of such dispute. If it is established that the claimant 4194  
was laid off for an indefinite period and not recalled to work 4195  
prior to the dispute, or was separated by the employer prior to 4196  
the dispute for reasons other than the labor dispute, or that the 4197  
individual obtained a bona fide job with another employer while 4198  
the dispute was still in progress, such labor dispute shall not 4199  
render the employee ineligible for benefits. 4200

(b) The individual has been given a disciplinary layoff for 4201  
misconduct in connection with the individual's work. 4202

(2) For the duration of the individual's unemployment if the 4203  
director finds that: 4204

(a) The individual quit work without just cause or has been 4205  
discharged for just cause in connection with the individual's 4206  
work, provided division (D)(2) of this section does not apply to 4207  
the separation of a person under any of the following 4208



circumstances: 4209

(i) Separation from employment for the purpose of entering 4210  
the armed forces of the United States if the individual is 4211  
inducted into the armed forces within one of the following 4212  
periods: 4213

(I) Thirty days after separation; 4214

(II) One hundred eighty days after separation if the 4215  
individual's date of induction is delayed solely at the discretion 4216  
of the armed forces. 4217

(ii) Separation from employment pursuant to a 4218  
labor-management contract or agreement, or pursuant to an 4219  
established employer plan, program, or policy, which permits the 4220  
employee, because of lack of work, to accept a separation from 4221  
employment; 4222

(iii) The individual has left employment to accept a recall 4223  
from a prior employer or, except as provided in division 4224  
(D)(2)(a)(iv) of this section, to accept other employment as 4225  
provided under section 4141.291 of the Revised Code, or left or 4226  
was separated from employment that was concurrent employment at 4227  
the time of the most recent separation or within six weeks prior 4228  
to the most recent separation where the remuneration, hours, or 4229  
other conditions of such concurrent employment were substantially 4230  
less favorable than the individual's most recent employment and 4231  
where such employment, if offered as new work, would be considered 4232  
not suitable under the provisions of divisions (E) and (F) of this 4233  
section. Any benefits that would otherwise be chargeable to the 4234  
account of the employer from whom an individual has left 4235  
employment or was separated from employment that was concurrent 4236  
employment under conditions described in division (D)(2)(a)(iii) 4237  
of this section, shall instead be charged to the mutualized 4238  
account created by division (B) of section 4141.25 of the Revised 4239

Code, except that any benefits chargeable to the account of a 4240  
reimbursing employer under division (D)(2)(a)(iii) of this section 4241  
shall be charged to the account of the reimbursing employer and 4242  
not to the mutualized account, except as provided in division 4243  
(D)(2) of section 4141.24 of the Revised Code. 4244

(iv) When an individual has been issued a definite layoff 4245  
date by the individual's employer and before the layoff date, the 4246  
individual quits to accept other employment, the provisions of 4247  
division (D)(2)(a)(iii) of this section apply and no 4248  
disqualification shall be imposed under division (D) of this 4249  
section. However, if the individual fails to meet the employment 4250  
and earnings requirements of division (A)(2) of section 4141.291 4251  
of the Revised Code, then the individual, pursuant to division 4252  
(A)(5) of this section, shall be ineligible for benefits for any 4253  
week of unemployment that occurs prior to the layoff date. 4254

(b) The individual has refused without good cause to accept 4255  
an offer of suitable work when made by an employer either in 4256  
person or to the individual's last known address, or has refused 4257  
or failed to investigate a referral to suitable work when directed 4258  
to do so by a local employment office of this state or another 4259  
state, provided that this division shall not cause a 4260  
disqualification for a waiting week or benefits under the 4261  
following circumstances: 4262

(i) When work is offered by the individual's employer and the 4263  
individual is not required to accept the offer pursuant to the 4264  
terms of the labor-management contract or agreement; or 4265

(ii) When the individual is attending a training course 4266  
pursuant to division (A)(4) of this section except, in the event 4267  
of a refusal to accept an offer of suitable work or a refusal or 4268  
failure to investigate a referral, benefits thereafter paid to 4269  
such individual shall not be charged to the account of any 4270  
employer and, except as provided in division (B)(1)(b) of section 4271

4141.241 of the Revised Code, shall be charged to the mutualized 4272  
account as provided in division (B) of section 4141.25 of the 4273  
Revised Code. 4274

(c) Such individual quit work to marry or because of marital, 4275  
parental, filial, or other domestic obligations. 4276

(d) The individual became unemployed by reason of commitment 4277  
to any correctional institution. 4278

(e) The individual became unemployed because of dishonesty in 4279  
connection with the individual's most recent or any base period 4280  
work. Remuneration earned in such work shall be excluded from the 4281  
individual's total base period remuneration and qualifying weeks 4282  
that otherwise would be credited to the individual for such work 4283  
in the individual's base period shall not be credited for the 4284  
purpose of determining the total benefits to which the individual 4285  
is eligible and the weekly benefit amount to be paid under section 4286  
4141.30 of the Revised Code. Such excluded remuneration and 4287  
noncredited qualifying weeks shall be excluded from the 4288  
calculation of the maximum amount to be charged, under division 4289  
(D) of section 4141.24 and section 4141.33 of the Revised Code, 4290  
against the accounts of the individual's base period employers. In 4291  
addition, no benefits shall thereafter be paid to the individual 4292  
based upon such excluded remuneration or noncredited qualifying 4293  
weeks. 4294

For purposes of division (D)(2)(e) of this section, 4295  
"dishonesty" means the commission of substantive theft, fraud, or 4296  
deceitful acts. 4297

(E) No individual otherwise qualified to receive benefits 4298  
shall lose the right to benefits by reason of a refusal to accept 4299  
new work if: 4300

(1) As a condition of being so employed the individual would 4301  
be required to join a company union, or to resign from or refrain 4302

from joining any bona fide labor organization, or would be denied 4303  
the right to retain membership in and observe the lawful rules of 4304  
any such organization. 4305

(2) The position offered is vacant due directly to a strike, 4306  
lockout, or other labor dispute. 4307

(3) The work is at an unreasonable distance from the 4308  
individual's residence, having regard to the character of the work 4309  
the individual has been accustomed to do, and travel to the place 4310  
of work involves expenses substantially greater than that required 4311  
for the individual's former work, unless the expense is provided 4312  
for. 4313

(4) The remuneration, hours, or other conditions of the work 4314  
offered are substantially less favorable to the individual than 4315  
those prevailing for similar work in the locality. 4316

(F) Subject to the special exceptions contained in division 4317  
(A)(4)(f) of this section and section 4141.301 of the Revised 4318  
Code, in determining whether any work is suitable for a claimant 4319  
in the administration of this chapter, the director, in addition 4320  
to the determination required under division (E) of this section, 4321  
shall consider the degree of risk to the claimant's health, 4322  
safety, and morals, the individual's physical fitness for the 4323  
work, the individual's prior training and experience, the length 4324  
of the individual's unemployment, the distance of the available 4325  
work from the individual's residence, and the individual's 4326  
prospects for obtaining local work. 4327

(G) The "duration of unemployment" as used in this section 4328  
means the full period of unemployment next ensuing after a 4329  
separation from any base period or subsequent work and until an 4330  
individual has become reemployed in employment subject to this 4331  
chapter, or the unemployment compensation act of another state, or 4332  
of the United States, and until such individual has worked six 4333

weeks and for those weeks has earned or been paid remuneration 4334  
equal to six times an average weekly wage of not less than: 4335  
eighty-five dollars and ten cents per week beginning on June 26, 4336  
1990; and beginning on and after January 1, 1992, twenty-seven and 4337  
one-half per cent of the statewide average weekly wage as computed 4338  
each first day of January under division (B)(3) of section 4141.30 4339  
of the Revised Code, rounded down to the nearest dollar, except 4340  
for purposes of division (D)(2)(c) of this section, such term 4341  
means the full period of unemployment next ensuing after a 4342  
separation from such work and until such individual has become 4343  
reemployed subject to the terms set forth above, and has earned 4344  
wages equal to one-half of the individual's average weekly wage or 4345  
sixty dollars, whichever is less. 4346

(H) If a claimant is disqualified under division (D)(2)(a), 4347  
(c), or (d) of this section or found to be qualified under the 4348  
exceptions provided in division (D)(2)(a)(i), (iii), or (iv) of 4349  
this section or division (A)(2) of section 4141.291 of the Revised 4350  
Code, then benefits that may become payable to such claimant, 4351  
which are chargeable to the account of the employer from whom the 4352  
individual was separated under such conditions, shall be charged 4353  
to the mutualized account provided in section 4141.25 of the 4354  
Revised Code, provided that no charge shall be made to the 4355  
mutualized account for benefits chargeable to a reimbursing 4356  
employer, except as provided in division (D)(2) of section 4141.24 4357  
of the Revised Code. In the case of a reimbursing employer, the 4358  
director shall refund or credit to the account of the reimbursing 4359  
employer any over-paid benefits that are recovered under division 4360  
(B) of section 4141.35 of the Revised Code. Amounts chargeable to 4361  
other states, the United States, or Canada that are subject to 4362  
agreements and arrangements that are established pursuant to 4363  
section 4141.43 of the Revised Code shall be credited or 4364  
reimbursed according to the agreements and arrangements to which 4365  
the chargeable amounts are subject. 4366

(I)(1) Benefits based on service in employment as provided in 4367  
divisions (B)(2)(a) and (b) of section 4141.01 of the Revised Code 4368  
shall be payable in the same amount, on the same terms, and 4369  
subject to the same conditions as benefits payable on the basis of 4370  
other service subject to this chapter; except that after December 4371  
31, 1977: 4372

(a) Benefits based on service in an instructional, research, 4373  
or principal administrative capacity in an institution of higher 4374  
education, as defined in division (Y) of section 4141.01 of the 4375  
Revised Code; or for an educational institution as defined in 4376  
division (CC) of section 4141.01 of the Revised Code, shall not be 4377  
paid to any individual for any week of unemployment that begins 4378  
during the period between two successive academic years or terms, 4379  
or during a similar period between two regular but not successive 4380  
terms or during a period of paid sabbatical leave provided for in 4381  
the individual's contract, if the individual performs such 4382  
services in the first of those academic years or terms and has a 4383  
contract or a reasonable assurance that the individual will 4384  
perform services in any such capacity for any such institution in 4385  
the second of those academic years or terms. 4386

(b) Benefits based on service for an educational institution 4387  
or an institution of higher education in other than an 4388  
instructional, research, or principal administrative capacity, 4389  
shall not be paid to any individual for any week of unemployment 4390  
which begins during the period between two successive academic 4391  
years or terms of the employing educational institution or 4392  
institution of higher education, provided the individual performed 4393  
those services for the educational institution or institution of 4394  
higher education during the first such academic year or term and, 4395  
there is a reasonable assurance that such individual will perform 4396  
those services for any educational institution or institution of 4397  
higher education in the second of such academic years or terms. 4398

If compensation is denied to any individual for any week 4399  
under division (I)(1)(b) of this section and the individual was 4400  
not offered an opportunity to perform those services for an 4401  
institution of higher education or for an educational institution 4402  
for the second of such academic years or terms, the individual is 4403  
entitled to a retroactive payment of compensation for each week 4404  
for which the individual timely filed a claim for compensation and 4405  
for which compensation was denied solely by reason of division 4406  
(I)(1)(b) of this section. An application for retroactive benefits 4407  
shall be timely filed if received by the director or the 4408  
director's deputy within or prior to the end of the fourth full 4409  
calendar week after the end of the period for which benefits were 4410  
denied because of reasonable assurance of employment. The 4411  
provision for the payment of retroactive benefits under division 4412  
(I)(1)(b) of this section is applicable to weeks of unemployment 4413  
beginning on and after November 18, 1983. The provisions under 4414  
division (I)(1)(b) of this section shall be retroactive to 4415  
September 5, 1982, only if, as a condition for full tax credit 4416  
against the tax imposed by the "Federal Unemployment Tax Act," 53 4417  
Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311, the United States 4418  
secretary of labor determines that retroactivity is required by 4419  
federal law. 4420

(c) With respect to weeks of unemployment beginning after 4421  
December 31, 1977, benefits shall be denied to any individual for 4422  
any week which commences during an established and customary 4423  
vacation period or holiday recess, if the individual performs any 4424  
services described in divisions (I)(1)(a) and (b) of this section 4425  
in the period immediately before the vacation period or holiday 4426  
recess, and there is a reasonable assurance that the individual 4427  
will perform any such services in the period immediately following 4428  
the vacation period or holiday recess. 4429

(d) With respect to any services described in division 4430

(I)(1)(a), (b), or (c) of this section, benefits payable on the 4431  
basis of services in any such capacity shall be denied as 4432  
specified in division (I)(1)(a), (b), or (c) of this section to 4433  
any individual who performs such services in an educational 4434  
institution or institution of higher education while in the employ 4435  
of an educational service agency. For this purpose, the term 4436  
"educational service agency" means a governmental agency or 4437  
governmental entity that is established and operated exclusively 4438  
for the purpose of providing services to one or more educational 4439  
institutions or one or more institutions of higher education. 4440

(e) Any individual employed by a public school district, 4441  
other than a municipal school district as defined in section 4442  
3311.71 of the Revised Code, or a county board of developmental 4443  
disabilities shall be notified by the thirtieth day of April each 4444  
year if the individual is not to be reemployed the following 4445  
academic year. 4446

(2) No disqualification will be imposed, between academic 4447  
years or terms or during a vacation period or holiday recess under 4448  
this division, unless the director or the director's deputy has 4449  
received a statement in writing from the educational institution 4450  
or institution of higher education that the claimant has a 4451  
contract for, or a reasonable assurance of, reemployment for the 4452  
ensuing academic year or term. 4453

(3) If an individual has employment with an educational 4454  
institution or an institution of higher education and employment 4455  
with a noneducational employer, during the base period of the 4456  
individual's benefit year, then the individual may become eligible 4457  
for benefits during the between-term, or vacation or holiday 4458  
recess, disqualification period, based on employment performed for 4459  
the noneducational employer, provided that the employment is 4460  
sufficient to qualify the individual for benefit rights separately 4461  
from the benefit rights based on school employment. The weekly 4462



benefit amount and maximum benefits payable during a 4463  
disqualification period shall be computed based solely on the 4464  
nonschool employment. 4465

(J) Benefits shall not be paid on the basis of employment 4466  
performed by an alien, unless the alien had been lawfully admitted 4467  
to the United States for permanent residence at the time the 4468  
services were performed, was lawfully present for purposes of 4469  
performing the services, or was otherwise permanently residing in 4470  
the United States under color of law at the time the services were 4471  
performed, under section 212(d)(5) of the "Immigration and 4472  
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101: 4473

(1) Any data or information required of individuals applying 4474  
for benefits to determine whether benefits are not payable to them 4475  
because of their alien status shall be uniformly required from all 4476  
applicants for benefits. 4477

(2) In the case of an individual whose application for 4478  
benefits would otherwise be approved, no determination that 4479  
benefits to the individual are not payable because of the 4480  
individual's alien status shall be made except upon a 4481  
preponderance of the evidence that the individual had not, in 4482  
fact, been lawfully admitted to the United States. 4483

(K) The director shall establish and utilize a system of 4484  
profiling all new claimants under this chapter that: 4485

(1) Identifies which claimants will be likely to exhaust 4486  
regular compensation and will need job search assistance services 4487  
to make a successful transition to new employment; 4488

(2) Refers claimants identified pursuant to division (K)(1) 4489  
of this section to reemployment services, such as job search 4490  
assistance services, available under any state or federal law; 4491

(3) Collects follow-up information relating to the services 4492  
received by such claimants and the employment outcomes for such 4493

claimant's subsequent to receiving such services and utilizes such 4494  
information in making identifications pursuant to division (K)(1) 4495  
of this section; and 4496

(4) Meets such other requirements as the United States 4497  
secretary of labor determines are appropriate. 4498

**Sec. 5705.192.** (A) For the purposes of this section only, 4499  
"taxing authority" includes a township board of park commissioners 4500  
appointed under section 511.18 of the Revised Code. 4501

(B) A taxing authority may propose to replace an existing 4502  
levy that the taxing authority is authorized to levy, regardless 4503  
of the section of the Revised Code under which the authority is 4504  
granted, except a school district emergency levy proposed pursuant 4505  
to sections 5705.194 to 5705.197 of the Revised Code. The taxing 4506  
authority may propose to replace the existing levy in its entirety 4507  
at the rate at which it is authorized to be levied; may propose to 4508  
replace a portion of the existing levy at a lesser rate; or may 4509  
propose to replace the existing levy in its entirety and increase 4510  
the rate at which it is levied. If the taxing authority proposes 4511  
to replace an existing levy, the proposed levy shall be called a 4512  
replacement levy and shall be so designated on the ballot. Except 4513  
as otherwise provided in this division, a replacement levy shall 4514  
be limited to the purpose of the existing levy, and shall appear 4515  
separately on the ballot from, and shall not be conjoined with, 4516  
the renewal of any other existing levy. In the case of an existing 4517  
school district levy imposed under section 5705.21 of the Revised 4518  
Code for the purpose specified in division (F) of section 5705.19 4519  
of the Revised Code, the replacement for that existing levy may be 4520  
for the same purpose or for the purpose of general permanent 4521  
improvements as defined in section 5705.21 of the Revised Code. 4522

The resolution proposing a replacement levy shall specify the 4523  
purpose of the levy; its proposed rate expressed in mills; whether 4524

the proposed rate is the same as the rate of the existing levy, a 4525  
reduction, or an increase; the extent of any reduction or increase 4526  
expressed in mills; the first calendar year in which the levy will 4527  
be due; and the term of the levy, expressed in years or, if 4528  
applicable, that it will be levied for a continuing period of 4529  
time. 4530

The sections of the Revised Code governing the maximum rate 4531  
and term of the existing levy, the contents of the resolution that 4532  
proposed the levy, the adoption of the resolution, the 4533  
arrangements for the submission of the question of the levy, and 4534  
notice of the election also govern the respective provisions of 4535  
the proposal to replace the existing levy, except as provided in 4536  
~~division~~ divisions (B)(1) ~~or (2)~~ to (3) of this section: 4537

(1) In the case of an existing school district levy imposed 4538  
under section 5705.21 of the Revised Code for the purpose 4539  
specified in division (F) of section 5705.19 of the Revised Code 4540  
that is to be replaced by a levy for general permanent 4541  
improvements, the maximum term of the replacement levy is not 4542  
limited to the term of the existing levy and may be for a 4543  
continuing period of time. 4544

(2) The date on which the election is held shall be as 4545  
follows: 4546

(a) For the replacement of a levy with a fixed term of years, 4547  
the date of the general election held during the last year the 4548  
existing levy may be extended on the real and public utility 4549  
property tax list and duplicate, or the date of any election held 4550  
in the ensuing year; 4551

(b) For the replacement of a levy imposed for a continuing 4552  
period of time, the date of any election held in any year after 4553  
the year the levy to be replaced is first approved by the 4554  
electors, except that only one election on the question of 4555

replacing the levy may be held during any calendar year. 4556

The failure by the electors to approve a proposal to replace 4557  
a levy imposed for a continuing period of time does not terminate 4558  
the existing continuing levy. 4559

(3) In the case of an existing school district levy imposed 4560  
under division (B) of section 5705.21, division (C) of section 4561  
5705.212, or division (J) of section 5705.218 of the Revised Code, 4562  
the rates allocated to the municipal school district and to 4563  
qualifying community schools each may be increased or decreased or 4564  
remain the same, and the total rate may be increased, decreased, 4565  
or remain the same. 4566

(C) The form of the ballot at the election on the question of 4567  
a replacement levy shall be as follows: 4568

"A replacement of a tax for the benefit of ..... (name 4569  
of subdivision or public library) for the purpose of ..... 4570  
(the purpose stated in the resolution) at a rate not exceeding 4571  
..... mills for each one dollar of valuation, which amounts 4572  
to ..... (rate expressed in dollars and cents) for each one 4573  
hundred dollars in valuation, for ..... (number of years levy 4574  
is to run, or that it will be levied for a continuous period of 4575  
time) 4576

	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

4577  
4578  
4579  
4580

If the proposal is to replace an existing levy and increase 4581  
the rate of the existing levy, the form of the ballot shall be 4582  
changed by adding the words "..... mills of an existing levy 4583  
and an increase of ..... mills, to constitute" after the 4584  
words "a replacement of." If the proposal is to replace only a 4585  
portion of an existing levy, the form of the ballot shall be 4586

changed by adding the words "a portion of an existing levy, being 4587  
a reduction of ..... mills, to constitute" after the words "a 4588  
replacement of." 4589

If the tax is to be placed on the tax list of the current tax 4590  
year, the form of the ballot shall be modified by adding at the 4591  
end of the form the phrase ", commencing in ..... (first year 4592  
the replacement tax is to be levied), first due in calendar year 4593  
..... (first calendar year in which the tax shall be due)." 4594

The question covered by the resolution shall be submitted as 4595  
a separate proposition, but may be printed on the same ballot with 4596  
any other proposition submitted at the same election, other than 4597  
the election of officers. More than one such question may be 4598  
submitted at the same election. 4599

(D) Two existing levies, or any portion of those levies, may 4600  
be combined into one replacement levy, so long as both of the 4601  
existing levies are for the same purpose and either both are due 4602  
to expire the same year or both are for a continuing period of 4603  
time. The question of combining all or portions of the two 4604  
existing levies into the replacement levy shall appear as one 4605  
ballot proposition before the electors. If the electors approve 4606  
the ballot proposition, all or the stated portions of the two 4607  
existing levies are replaced by one replacement levy. 4608

(E) A levy approved in excess of the ten-mill limitation 4609  
under this section shall be certified to the tax commissioner. In 4610  
the first year of a levy approved under this section, the levy 4611  
shall be extended on the tax lists after the February settlement 4612  
succeeding the election at which the levy was approved. If the 4613  
levy is to be placed on the tax lists of the current year, as 4614  
specified in the resolution providing for its submission, the 4615  
result of the election shall be certified immediately after the 4616  
canvass by the board of elections to the taxing authority, which 4617  
shall forthwith make the necessary levy and certify it to the 4618

county auditor, who shall extend it on the tax lists for 4619  
collection. After the first year, the levy shall be included in 4620  
the annual tax budget that is certified to the county budget 4621  
commission. 4622

If notes are authorized to be issued in anticipation of the 4623  
proceeds of the existing levy, notes may be issued in anticipation 4624  
of the proceeds of the replacement levy, and such issuance is 4625  
subject to the terms and limitations governing the issuance of 4626  
notes in anticipation of the proceeds of the existing levy. 4627

(F) This section does not authorize a tax to be levied in any 4628  
year after the year in which revenue is not needed for the purpose 4629  
for which the tax is levied. 4630

**Sec. 5705.21.** (A) At any time, the board of education of any 4631  
city, local, exempted village, cooperative education, or joint 4632  
vocational school district, by a vote of two-thirds of all its 4633  
members, may declare by resolution that the amount of taxes which 4634  
may be raised within the ten-mill limitation by levies on the 4635  
current tax duplicate will be insufficient to provide an adequate 4636  
amount for the necessary requirements of the school district, that 4637  
it is necessary to levy a tax in excess of such limitation for one 4638  
of the purposes specified in division (A), (D), (F), (H), or (DD) 4639  
of section 5705.19 of the Revised Code, for general permanent 4640  
improvements, for the purpose of operating a cultural center, or 4641  
for the purpose of providing education technology, and that the 4642  
question of such additional tax levy shall be submitted to the 4643  
electors of the school district at a special election on a day to 4644  
be specified in the resolution. If the resolution states that the 4645  
levy is for the purpose of operating a cultural center, the ballot 4646  
shall state that the levy is "for the purpose of operating the 4647  
..... (name of cultural center)." 4648

As used in this ~~section~~ division, "cultural center" means a 4649

freestanding building, separate from a public school building, 4650  
that is open to the public for educational, musical, artistic, and 4651  
cultural purposes; "education technology" means, but is not 4652  
limited to, computer hardware, equipment, materials, and 4653  
accessories, equipment used for two-way audio or video, and 4654  
software; and "general permanent improvements" means permanent 4655  
improvements without regard to the limitation of division (F) of 4656  
section 5705.19 of the Revised Code that the improvements be a 4657  
specific improvement or a class of improvements that may be 4658  
included in a single bond issue. 4659

~~The submission of questions to the electors under this 4660  
section is subject to the limitation on the number of election 4661  
dates established by section 5705.214 of the Revised Code. 4662~~

~~(B) Such A resolution adopted under this division shall be 4663  
confined to a single purpose and shall specify the amount of the 4664  
increase in rate that it is necessary to levy, the purpose of the 4665  
levy, and the number of years during which the increase in rate 4666  
shall be in effect. The number of years may be any number not 4667  
exceeding five or, if the levy is for current expenses of the 4668  
district or for general permanent improvements, for a continuing 4669  
period of time. ~~The~~ 4670~~

(B)(1) The board of education of a municipal school district, 4671  
by resolution, may declare that it is necessary to levy a tax in 4672  
excess of the ten-mill limitation for the purpose of paying the 4673  
current expenses of the district and of qualifying community 4674  
schools and that the question of the additional tax levy shall be 4675  
submitted to the electors of the school district at a special 4676  
election on a day to be specified in the resolution. The 4677  
resolution shall state the purpose of the levy, the rate of the 4678  
tax expressed in mills per dollar of taxable value, the number of 4679  
such mills to be levied for the current expenses of the qualifying 4680  
community schools and the number of such mills to be levied for 4681

the current expenses of the school district, the number of years 4682  
the tax will be levied, and the first year the tax will be levied. 4683  
The number of years the tax may be levied may be any number not 4684  
exceeding ten years, or for a continuing period of time. 4685

The levy of a tax for the current expenses of a qualifying 4686  
community school under this section and the distribution of 4687  
proceeds from the tax by a municipal school district to qualifying 4688  
community schools is a proper public purpose. 4689

(2) The form of the ballot at an election held pursuant to 4690  
division (B) of this section shall be as follows: 4691

"Shall a levy be imposed by the ..... (insert the name of 4692  
the municipal school district) for the purpose of current expenses 4693  
of the school district and of qualifying community schools at a 4694  
rate not exceeding ..... (insert the number of mills) mills for 4695  
each one dollar of valuation (of which ..... (insert the number 4696  
of mills to be allocated to qualifying community schools) mills is 4697  
to be allocated to qualifying community schools) which amounts to 4698  
..... (insert the rate expressed in dollars and cents) for each 4699  
one hundred dollars of valuation, for ..... (insert the number of 4700  
years the levy is to be imposed, or that it will be levied for a 4701  
continuing period of time), beginning ..... (insert first year 4702  
the tax is to be levied), which will first be payable in calendar 4703  
year ..... (insert the first calendar year in which the tax would 4704  
be payable)? 4705

	<u>FOR THE TAX LEVY</u>	
	<u>AGAINST THE TAX LEVY</u>	"

(3) Upon each receipt of a tax distribution by the municipal 4708  
school district, the board of education shall credit the portion 4709  
allocated to qualifying community schools to the qualifying 4710  
community schools fund. All income from the investment of money in 4711  
the qualifying community schools fund shall be credited to that 4712  
fund. 4713



Not more than forty-five days after the municipal school district receives and deposits each tax distribution, the board of education shall distribute the qualifying community schools amount among the qualifying community schools. From each tax distribution, each such qualifying community school shall receive a portion of the qualifying community schools amount in the proportion that the number of its resident students bears to the aggregate number of resident students of all such qualifying community schools as of the receipt and deposit of the tax distribution. For the purposes of this division, the number of resident students shall be the number of such students reported under section 3317.03 of the Revised Code and established by the department of education as of the receipt and deposit of the tax distribution.

(4) The board of education of the municipal school district shall certify each agreement between the board and a qualifying community school to the department of education along with the determination that such agreement satisfies the requirements of this division. The board's determination is conclusive.

(5) For the purposes of Chapter 3317. of the Revised Code or other laws referring to the "taxes charged and payable" for a school district, the taxes charged and payable for a municipal school district that levies a tax under division (B) of this section includes only the taxes charged and payable under that levy for the current expenses of the school district, and does not include the taxes charged and payable for the current expenses of qualifying community schools. The taxes charged and payable for the current expenses of qualifying community schools shall not affect the calculation of "state education aid" as defined in section 5751.20 of the Revised Code.

(6) As used in division (B) of this section:

(a) "Municipal school district" has the same meaning as in

section 3311.71 of the Revised Code. 4746

(b) "Qualifying community school" means a community school 4747  
established under Chapter 3314. of the Revised Code that is 4748  
located within the territory of the municipal school district and 4749  
that is either sponsored by the district or a party to an 4750  
agreement with the district identifying goals for the community 4751  
school's educational, financial, and management progress and 4752  
accountability standards by which the community school's progress 4753  
is to be measured. 4754

(c) "Qualifying community schools amount" means the product 4755  
obtained, as of the receipt and deposit of the tax distribution, 4756  
by multiplying the amount of a tax distribution by a fraction, the 4757  
numerator of which is the number of mills per dollar of taxable 4758  
value of the property tax to be allocated to qualifying community 4759  
schools, and the denominator of which is the total number of mills 4760  
per dollar of taxable value authorized by the electors in the 4761  
election held under division (B) of this section, each as set 4762  
forth in the resolution levying the tax. 4763

(d) "Qualifying community schools fund" means a separate fund 4764  
established by the board of education of a municipal school 4765  
district for the deposit of qualifying community school amounts 4766  
under this section. 4767

(e) "Resident student" means a student enrolled in a 4768  
qualifying community school who is entitled to attend school in 4769  
the municipal school district under section 3313.64 or 3313.65 of 4770  
the Revised Code. 4771

(f) "Tax distribution" means a distribution of proceeds of 4772  
the tax authorized by division (B) of this section under section 4773  
321.24 of the Revised Code and distributions that are attributable 4774  
to that tax under sections 323.156 and 4503.068 of the Revised 4775  
Code or other applicable law. 4776

(C) A resolution adopted under this section shall specify the 4777  
date of holding ~~such~~ the election, which shall not be earlier than 4778  
ninety days after the adoption and certification of the resolution 4779  
and which shall be consistent with the requirements of section 4780  
3501.01 of the Revised Code. 4781

~~The~~ A resolution adopted under this section may propose to 4782  
renew one or more existing levies imposed under division (A) or 4783  
(B) of this section or to increase or decrease a single levy 4784  
imposed under ~~this section~~ either such division. ~~If~~ 4785

If the board of education imposes one or more existing levies 4786  
for the purpose specified in division (F) of section 5705.19 of 4787  
the Revised Code, the resolution may propose to renew one or more 4788  
of those existing levies, or to increase or decrease a single such 4789  
existing levy, for the purpose of general permanent improvements. 4790  
~~If~~ 4791

If the resolution proposes to renew two or more existing 4792  
levies, the levies shall be levied for the same purpose. The 4793  
resolution shall identify those levies and the rates at which they 4794  
are levied. The resolution also shall specify that the existing 4795  
levies shall not be extended on the tax lists after the year 4796  
preceding the year in which the renewal levy is first imposed, 4797  
regardless of the years for which those levies originally were 4798  
authorized to be levied. 4799

If the resolution proposes to renew an existing levy imposed 4800  
under division (B) of this section, the rates allocated to the 4801  
municipal school district and to qualifying community schools each 4802  
may be increased or decreased or remain the same, and the total 4803  
rate may be increased, decreased, or remain the same. The 4804  
resolution and notice of election shall specify the number of the 4805  
mills to be levied for the current expenses of the qualifying 4806  
community schools and the number of the mills to be levied for the 4807  
current expenses of the municipal school district. 4808

The A resolution adopted under this section shall go into 4809  
immediate effect upon its passage, and no publication of the 4810  
resolution shall be necessary other than that provided for in the 4811  
notice of election. A copy of the resolution shall immediately 4812  
after its passing be certified to the board of elections of the 4813  
proper county in the manner provided by section 5705.25 of the 4814  
Revised Code, ~~and that. That~~ section shall govern the arrangements 4815  
for the submission of such question and other matters concerning 4816  
~~such the~~ election, to which that section refers, including 4817  
publication of notice of the election, except that ~~such the~~ 4818  
election shall be held on the date specified in the resolution. 4819  
~~Publication of notice of that election shall be made in a~~ 4820  
~~newspaper of general circulation in the county once a week for two~~ 4821  
~~consecutive weeks, or as provided in section 7.16 of the Revised~~ 4822  
~~Code, prior to the election. If the board of elections operates~~ 4823  
~~and maintains a web site, the board of elections shall post notice~~ 4824  
~~of the election on its web site for thirty days prior to the~~ 4825  
~~election. In the case of a resolution adopted under division (B)~~ 4826  
of this section, the publication of notice of that election shall 4827  
state the number of the mills to be levied for the current 4828  
expenses of the qualifying community schools and the number of the 4829  
mills to be levied for the current expenses of the municipal 4830  
school district. If a majority of the electors voting on the 4831  
question so submitted in an election vote in favor of the levy, 4832  
the board of education may make the necessary levy within the 4833  
school district at the additional rate, or at any lesser rate in 4834  
excess of the ten-mill limitation on the tax list, for the purpose 4835  
stated in the resolution. A levy for a continuing period of time 4836  
may be reduced pursuant to section 5705.261 of the Revised Code. 4837  
The tax levy shall be included in the next tax budget that is 4838  
certified to the county budget commission. 4839

~~(C)~~(D)(1) After the approval of a levy on the current tax 4840  
list and duplicate for current expenses, for recreational 4841

purposes, for community centers provided for in section 755.16 of 4842  
the Revised Code, or for a public library of the district under 4843  
division (A) of this section, and prior to the time when the first 4844  
tax collection from the levy can be made, the board of education 4845  
may anticipate a fraction of the proceeds of the levy and issue 4846  
anticipation notes in a principal amount not exceeding fifty per 4847  
cent of the total estimated proceeds of the levy to be collected 4848  
during the first year of the levy. 4849

(2) After the approval of a levy for general permanent 4850  
improvements for a specified number of years, or for permanent 4851  
improvements having the purpose specified in division (F) of 4852  
section 5705.19 of the Revised Code, the board of education may 4853  
anticipate a fraction of the proceeds of the levy and issue 4854  
anticipation notes in a principal amount not exceeding fifty per 4855  
cent of the total estimated proceeds of the levy remaining to be 4856  
collected in each year over a period of five years after the 4857  
issuance of the notes. 4858

The notes shall be issued as provided in section 133.24 of 4859  
the Revised Code, shall have principal payments during each year 4860  
after the year of their issuance over a period not to exceed five 4861  
years, and may have a principal payment in the year of their 4862  
issuance. 4863

(3) After approval of a levy for general permanent 4864  
improvements for a continuing period of time, the board of 4865  
education may anticipate a fraction of the proceeds of the levy 4866  
and issue anticipation notes in a principal amount not exceeding 4867  
fifty per cent of the total estimated proceeds of the levy to be 4868  
collected in each year over a specified period of years, not 4869  
exceeding ten, after the issuance of the notes. 4870

The notes shall be issued as provided in section 133.24 of 4871  
the Revised Code, shall have principal payments during each year 4872  
after the year of their issuance over a period not to exceed ten 4873

years, and may have a principal payment in the year of their 4874  
issuance. 4875

(4) After the approval of a levy on the current tax list and 4876  
duplicate under division (B) of this section, and prior to the 4877  
time when the first tax collection from the levy can be made, the 4878  
board of education may anticipate a fraction of the proceeds of 4879  
the levy for the current expenses of the school district and issue 4880  
anticipation notes in a principal amount not exceeding fifty per 4881  
cent of the estimated proceeds of the levy to be collected during 4882  
the first year of the levy and allocated to the school district. 4883  
The portion of the levy proceeds to be allocated to qualifying 4884  
community schools under that division shall not be included in the 4885  
estimated proceeds anticipated under this division and shall not 4886  
be used to pay debt charges on any anticipation notes. 4887

The notes shall be issued as provided in section 133.24 of 4888  
the Revised Code, shall have principal payments during each year 4889  
after the year of their issuance over a period not to exceed five 4890  
years, and may have a principal payment in the year of their 4891  
issuance. 4892

(E) The submission of questions to the electors under this 4893  
section is subject to the limitation on the number of election 4894  
dates established by section 5705.214 of the Revised Code. 4895

**Sec. 5705.212.** (A)(1) The board of education of any school 4896  
district, at any time and by a vote of two-thirds of all of its 4897  
members, may declare by resolution that the amount of taxes that 4898  
may be raised within the ten-mill limitation will be insufficient 4899  
to provide an adequate amount for the present and future 4900  
requirements of the school district, that it is necessary to levy 4901  
not more than five taxes in excess of that limitation for current 4902  
expenses, and that each of the proposed taxes first will be levied 4903  
in a different year, over a specified period of time. The board 4904

shall identify the taxes proposed under this section as follows: 4905  
the first tax to be levied shall be called the "original tax." 4906  
Each tax subsequently levied shall be called an "incremental tax." 4907  
The rate of each incremental tax shall be identical, but the rates 4908  
of such incremental taxes need not be the same as the rate of the 4909  
original tax. The resolution also shall state that the question of 4910  
these additional taxes shall be submitted to the electors of the 4911  
school district at a special election. The resolution shall 4912  
specify separately for each tax proposed: the amount of the 4913  
increase in rate that it is necessary to levy, expressed 4914  
separately for the original tax and each incremental tax; that the 4915  
purpose of the levy is for current expenses; the number of years 4916  
during which the original tax shall be in effect; a specification 4917  
that the last year in which the original tax is in effect shall 4918  
also be the last year in which each incremental tax shall be in 4919  
effect; and the year in which each tax first is proposed to be 4920  
levied. The original tax may be levied for any number of years not 4921  
exceeding ten, or for a continuing period of time. The resolution 4922  
shall specify the date of holding the special election, which 4923  
shall not be earlier than ninety days after the adoption and 4924  
certification of the resolution and shall be consistent with the 4925  
requirements of section 3501.01 of the Revised Code. 4926

(2) The board of education, by a vote of two-thirds of all of 4927  
its members, may adopt a resolution proposing to renew taxes 4928  
levied other than for a continuing period of time under division 4929  
(A)(1) of this section. Such a resolution shall provide for 4930  
levying a tax and specify all of the following: 4931

(a) That the tax shall be called and designated on the ballot 4932  
as a renewal levy; 4933

(b) The rate of the renewal tax, which shall be a single rate 4934  
that combines the rate of the original tax and each incremental 4935  
tax into a single rate. The rate of the renewal tax shall not 4936

exceed the aggregate rate of the original and incremental taxes. 4937

(c) The number of years, not to exceed ten, that the renewal 4938  
tax will be levied, or that it will be levied for a continuing 4939  
period of time; 4940

(d) That the purpose of the renewal levy is for current 4941  
expenses; 4942

(e) Subject to the certification and notification 4943  
requirements of section 5705.251 of the Revised Code, that the 4944  
question of the renewal levy shall be submitted to the electors of 4945  
the school district at the general election held during the last 4946  
year the original tax may be extended on the real and public 4947  
utility property tax list and duplicate or at a special election 4948  
held during the ensuing year. 4949

(3) A resolution adopted under division (A)(1) or (2) of this 4950  
section shall go into immediate effect upon its adoption and no 4951  
publication of the resolution is necessary other than that 4952  
provided for in the notice of election. Immediately after its 4953  
adoption, a copy of the resolution shall be certified to the board 4954  
of elections of the proper county in the manner provided by 4955  
division (A) of section 5705.251 of the Revised Code, and that 4956  
division shall govern the arrangements for the submission of the 4957  
question and other matters concerning the election to which that 4958  
section refers. The election shall be held on the date specified 4959  
in the resolution. If a majority of the electors voting on the 4960  
question so submitted in an election vote in favor of the taxes or 4961  
a renewal tax, the board of education, if the original or a 4962  
renewal tax is authorized to be levied for the current year, 4963  
immediately may make the necessary levy within the school district 4964  
at the authorized rate, or at any lesser rate in excess of the 4965  
ten-mill limitation, for the purpose stated in the resolution. No 4966  
tax shall be imposed prior to the year specified in the resolution 4967  
as the year in which it is first proposed to be levied. The rate 4968



of the original tax and the rate of each incremental tax shall be 4969  
cumulative, so that the aggregate rate levied in any year is the 4970  
sum of the rates of both the original tax and all incremental 4971  
taxes levied in or prior to that year under the same proposal. A 4972  
tax levied for a continuing period of time under this section may 4973  
be reduced pursuant to section 5705.261 of the Revised Code. 4974

(4) The submission of questions to the electors under this 4975  
section is subject to the limitation on the number of election 4976  
dates established by section 5705.214 of the Revised Code. 4977

(B) Notwithstanding ~~sections~~ section 133.30 and ~~133.301~~ of 4978  
the Revised Code, after the approval of a tax to be levied in the 4979  
current or the succeeding year and prior to the time when the 4980  
first tax collection from that levy can be made, the board of 4981  
education may anticipate a fraction of the proceeds of the levy 4982  
and issue anticipation notes in an amount not to exceed fifty per 4983  
cent of the total estimated proceeds of the levy to be collected 4984  
during the first year of the levy. The notes shall be sold as 4985  
provided in Chapter 133. of the Revised Code. If anticipation 4986  
notes are issued, they shall mature serially and in substantially 4987  
equal amounts during each year over a period not to exceed five 4988  
years; and the amount necessary to pay the interest and principal 4989  
as the anticipation notes mature shall be deemed appropriated for 4990  
those purposes from the levy, and appropriations from the levy by 4991  
the board of education shall be limited each fiscal year to the 4992  
balance available in excess of that amount. 4993

If the auditor of state has certified a deficit pursuant to 4994  
section 3313.483 of the Revised Code, the notes authorized under 4995  
this section may be sold in accordance with Chapter 133. of the 4996  
Revised Code, except that the board may sell the notes after 4997  
providing a reasonable opportunity for competitive bidding. 4998

(C)(1) The board of education of a municipal school district, 4999  
at any time and by a vote of two-thirds of all its members, may 5000

declare by resolution that the amount of taxes that may be raised 5001  
within the ten-mill limitation will be insufficient to provide an 5002  
adequate amount for the present and future requirements of the 5003  
school district and of qualifying community schools, as defined in 5004  
section 5705.21 of the Revised Code, that it is necessary to levy 5005  
not more than five taxes in excess of that limitation for the 5006  
current expenses of the school district and of qualifying 5007  
community schools, and that each of the proposed taxes first will 5008  
be levied in a different year, over a specified period of time. 5009  
The board shall identify the taxes proposed under this division in 5010  
the same manner as in division (A)(1) of this section. The rate of 5011  
each incremental tax shall be identical, but the rates of such 5012  
incremental taxes need not be the same as the rate of the original 5013  
tax. In addition to the specifications required of the resolution 5014  
in division (A) of this section, the resolution and ballot shall 5015  
state the number of the mills to be levied each year for the 5016  
current expenses of the qualifying community schools and the 5017  
number of the mills to be levied each year for the current 5018  
expenses of the school district. The number of mills for the 5019  
current expenses of qualifying community schools shall be the same 5020  
for each of the incremental taxes, and the number of mills for the 5021  
current expenses of the municipal school district shall be the 5022  
same for each of the incremental taxes. 5023

(2) The board of education, by a vote of two-thirds of all of 5024  
its members, may adopt a resolution proposing to renew taxes 5025  
levied other than for a continuing period of time under division 5026  
(C)(1) of this section. In such a renewal levy, the rates 5027  
allocated to the municipal school district and to qualifying 5028  
community schools each may be increased or decreased or remain the 5029  
same, and the total rate may be increased, decreased, or remain 5030  
the same. In addition to the requirements of division (A)(2) of 5031  
this section, the resolution and ballot shall state the number of 5032  
the mills to be levied for the current expenses of the qualifying 5033

community schools and the number of the mills to be levied for the 5034  
current expenses of the school district. 5035

(3) A resolution adopted under division (C)(1) or (2) of this 5036  
section shall be subject to the rules and procedures prescribed by 5037  
division (A)(3) of this section. 5038

(4) Notwithstanding section 133.30 of the Revised Code, after 5039  
the approval of a tax to be levied under division (C)(1) or (2) of 5040  
this section, in the current or succeeding year and prior to the 5041  
time when the first tax collection from that levy can be made, the 5042  
board of education may anticipate a fraction of the proceeds of 5043  
the levy for the current expenses of the municipal school district 5044  
and issue anticipation notes in a principal amount not exceeding 5045  
fifty per cent of the estimated proceeds of the levy to be 5046  
collected during the first year of the levy and allocated to the 5047  
school district. The portion of levy proceeds to be allocated to 5048  
qualifying community schools shall not be included in the 5049  
estimated proceeds anticipated under this division and shall not 5050  
be used to pay debt charges on any anticipation notes. 5051

The notes shall be sold as provided in Chapter 133. of the 5052  
Revised Code. If anticipation notes are issued, they shall mature 5053  
serially and in substantially equal amounts during each year over 5054  
a period not to exceed five years. The amount necessary to pay the 5055  
interest and principal as the anticipation notes mature shall be 5056  
deemed appropriated for those purposes from the levy, and 5057  
appropriations from the levy by the board of education shall be 5058  
limited each fiscal year to the balance available in excess of 5059  
that amount. 5060

If the auditor of state has certified a deficit pursuant to 5061  
section 3313.483 of the Revised Code, the notes authorized under 5062  
this section may be sold in accordance with Chapter 133. of the 5063  
Revised Code, except that the board may sell the notes after 5064  
providing a reasonable opportunity for competitive bidding. 5065

**Sec. 5705.215.** (A) The governing board of an educational 5066  
service center that is the taxing authority of a county school 5067  
financing district, upon receipt of identical resolutions adopted 5068  
within a sixty-day period by a majority of the members of the 5069  
board of education of each school district that is within the 5070  
territory of the county school financing district, may submit a 5071  
tax levy to the electors of the territory in the same manner as a 5072  
school board may submit a levy under division ~~(B)~~(C) of section 5073  
5705.21 of the Revised Code, except that: 5074

(1) The levy may be for a period not to exceed ten years, or, 5075  
if the levy is solely for the purpose or purposes described in 5076  
division (A)(2)(a) or (c) of this section, for a continuing period 5077  
of time. 5078

(2) The purpose of the levy shall be one or more of the 5079  
following: 5080

(a) For current expenses for the provision of special 5081  
education and related services within the territory of the 5082  
district; 5083

(b) For permanent improvements within the territory of the 5084  
district for special education and related services; 5085

(c) For current expenses for specified educational programs 5086  
within the territory of the district; 5087

(d) For permanent improvements within the territory of the 5088  
district for specified educational programs; 5089

(e) For permanent improvements within the territory of the 5090  
district. 5091

(B) If the levy provides for but is not limited to current 5092  
expenses, the resolutions shall apportion the annual rate of the 5093  
levy between current expenses and the other purposes. The 5094  
apportionment need not be the same for each year of the levy, but 5095

the respective portions of the rate actually levied each year for 5096  
current expenses and the other purposes shall be limited by that 5097  
apportionment. 5098

(C) Prior to the application of section 319.301 of the 5099  
Revised Code, the rate of a levy that is limited to, or to the 5100  
extent that it is apportioned to, purposes other than current 5101  
expenses shall be reduced in the same proportion in which the 5102  
district's total valuation increases during the life of the levy 5103  
because of additions to such valuation that have resulted from 5104  
improvements added to the tax list and duplicate. 5105

(D) After the approval of a county school financing district 5106  
levy under this section, the taxing authority may anticipate a 5107  
fraction of the proceeds of such levy and may from time to time 5108  
during the life of such levy, but in any given year prior to the 5109  
time when the tax collection from such levy can be made for that 5110  
year, issue anticipation notes in an amount not exceeding fifty 5111  
per cent of the estimated proceeds of the levy to be collected in 5112  
each year up to a period of five years after the date of the 5113  
issuance of such notes, less an amount equal to the proceeds of 5114  
such levy obligated for each year by the issuance of anticipation 5115  
notes, provided that the total amount maturing in any one year 5116  
shall not exceed fifty per cent of the anticipated proceeds of the 5117  
levy for that year. Each issue of notes shall be sold as provided 5118  
in Chapter 133. of the Revised Code, and shall, except for such 5119  
limitation that the total amount of such notes maturing in any one 5120  
year shall not exceed fifty per cent of the anticipated proceeds 5121  
of such levy for that year, mature serially in substantially equal 5122  
installments during each year over a period not to exceed five 5123  
years after their issuance. 5124

(E)(1) In a resolution to be submitted to the taxing 5125  
authority of a county school financing district under division (A) 5126  
of this section calling for a ballot issue on the question of the 5127

levying of a tax for a continuing period of time by the taxing 5128  
authority, the board of education of a school district that is 5129  
part of the territory of the county school financing district also 5130  
may propose to reduce the rate of one or more of that school 5131  
district's property taxes levied for a continuing period of time 5132  
in excess of the ten-mill limitation. The reduction in the rate of 5133  
a property tax may be any amount, expressed in mills per one 5134  
dollar of valuation, not exceeding the rate at which the tax is 5135  
authorized to be levied. The reduction in the rate of a tax shall 5136  
first take effect in the same year that the county school 5137  
financing district tax takes effect, and shall continue for each 5138  
year that the county school financing district tax is in effect. A 5139  
board of education's resolution proposing to reduce the rate of 5140  
one or more of its school district property taxes shall 5141  
specifically identify each such tax and shall state for each tax 5142  
the maximum rate at which it currently may be levied and the 5143  
maximum rate at which it could be levied after the proposed 5144  
reduction, expressed in mills per one dollar of valuation. 5145

Before submitting the resolution to the taxing authority of 5146  
the county school financing district, the board of education of 5147  
the school district shall certify a copy of it to the tax 5148  
commissioner. Within ten days of receiving the copy, the tax 5149  
commissioner shall certify to the board the reduction in the 5150  
school district's total effective tax rate for each class of 5151  
property that would have resulted if the proposed reduction in the 5152  
rate or rates had been in effect the previous year. After 5153  
receiving the certification from the commissioner, the board may 5154  
amend its resolution to change the proposed property tax rate 5155  
reduction before submitting the resolution to the financing 5156  
district taxing authority. As used in this paragraph, "effective 5157  
tax rate" has the same meaning as in section 323.08 of the Revised 5158  
Code. 5159

If the board of education of a school district that is part 5160  
of the territory of a county school financing district adopts a 5161  
resolution proposing to reduce the rate of one or more of its 5162  
property taxes in conjunction with the levying of a tax by the 5163  
financing district, the resolution submitted by the board to the 5164  
taxing authority of the financing district under division (A) of 5165  
this section does not have to be identical in this respect to the 5166  
resolutions submitted by the boards of education of the other 5167  
school districts that are part of the territory of the county 5168  
school financing district. 5169

(2) Each school district that is part of the territory of a 5170  
county school financing district may tailor to its own situation a 5171  
proposed reduction in one or more property tax rates in 5172  
conjunction with the proposed levying of a tax by the county 5173  
school financing district; if one such school district proposes a 5174  
reduction in one or more tax rates, another school district may 5175  
propose a reduction of a different size or may propose no 5176  
reduction. Within each school district that is part of the 5177  
territory of the county school financing district, the electors 5178  
shall vote on one ballot issue combining the question of the 5179  
levying of the tax by the taxing authority of the county school 5180  
financing district with, if any such reduction is proposed, the 5181  
question of the reduction in the rate of one or more taxes of the 5182  
school district. If a majority of the electors of the county 5183  
school financing district voting on the question of the proposed 5184  
levying of a tax by the taxing authority of the financing district 5185  
vote to approve the question, any tax reductions proposed by 5186  
school districts that are part of the territory of the financing 5187  
district also are approved. 5188

(3) The form of the ballot for an issue proposing to levy a 5189  
county school financing district tax in conjunction with the 5190  
reduction of the rate of one or more school district taxes shall 5191

be as follows: 5192

"Shall the ..... (name of the county school financing 5193  
district) be authorized to levy an additional tax for ..... 5194  
(purpose stated in the resolutions) at a rate not exceeding 5195  
..... mills for each one dollar of valuation, which amounts to 5196  
..... (rate expressed in dollars and cents) for each one hundred 5197  
dollars of valuation, for a continuing period of time? If the 5198  
county school financing district tax is approved, the rate of an 5199  
existing tax currently levied by the ..... (name of the school 5200  
district of which the elector is a resident) at the rate of 5201  
..... mills for each one dollar of valuation shall be reduced to 5202  
..... mills until any such time as the county school financing 5203  
district tax is decreased or repealed. 5204

	For the issue
	Against the issue

"

5205  
5206  
5207  
5208  
If the board of education of the school district proposes to 5209  
reduce the rate of more than one of its existing taxes, the second 5210  
sentence of the ballot language shall be modified for residents of 5211  
that district to express the rates at which those taxes currently 5212  
are levied and the rates to which they would be reduced. If the 5213  
board of education of the school district does not propose to 5214  
reduce the rate of any of its taxes, the second sentence of the 5215  
ballot language shall not be used for residents of that district. 5216  
In any case, the first sentence of the ballot language shall be 5217  
the same for all the electors in the county school financing 5218  
district, but the second sentence shall be different in each 5219  
school district depending on whether and in what amount the board 5220  
of education of the school district proposes to reduce the rate of 5221  
one or more of its property taxes. 5222



(4) If the rate of a school district property tax is reduced 5223  
pursuant to this division, the tax commissioner shall compute the 5224  
percentage required to be computed for that tax under division (D) 5225  
of section 319.301 of the Revised Code each year the rate is 5226  
reduced as if the tax had been levied in the preceding year at the 5227  
rate to which it has been reduced. If the reduced rate of a tax is 5228  
increased under division (E)(5) of this section, the commissioner 5229  
shall compute the percentage required to be computed for that tax 5230  
under division (D) of section 319.301 of the Revised Code each 5231  
year the rate is increased as if the tax had been levied in the 5232  
preceding year at the rate to which it has been increased. 5233

(5) After the levying of a county school financing district 5234  
tax in conjunction with the reduction of the rate of one or more 5235  
school district taxes is approved by the electors under this 5236  
division, if the rate of the county school financing district tax 5237  
is decreased pursuant to an election under section 5705.261 of the 5238  
Revised Code, the rate of each school district tax that had been 5239  
reduced shall be increased by the number of mills obtained by 5240  
multiplying the number of mills of the original reduction by the 5241  
same percentage that the financing district tax rate is decreased. 5242  
If the county school financing district tax is repealed pursuant 5243  
to an election under section 5705.261 of the Revised Code, each 5244  
school district may resume levying the property taxes that had 5245  
been reduced at the full rate originally approved by the electors. 5246  
A reduction in the rate of a school district property tax under 5247  
this division is a reduction in the rate at which the board of 5248  
education may levy that tax only for the period during which the 5249  
county school financing district tax is levied prior to any 5250  
decrease or repeal under section 5705.261 of the Revised Code. The 5251  
resumption of the authority of the board of education to levy an 5252  
increased or the full rate of tax does not constitute the levying 5253  
of a new tax in excess of the ten-mill limitation. 5254

**Sec. 5705.216.** A board of education that has issued notes in anticipation of the proceeds of a permanent improvements levy in the maximum amount permitted under division ~~(C)~~(D)(2) or (3) of section 5705.21 of the Revised Code or a taxing authority of a county school financing district that has issued notes in anticipation of the proceeds of a levy in the maximum amount permitted under section 5705.215 of the Revised Code may, if the proceeds from the issuance of such notes have been spent, contracted, or encumbered, apply to the superintendent of public instruction for authorization to anticipate a fraction of the remaining estimated proceeds of the levy and issue anticipation notes for that purpose. The application shall be in such form and contain such information as the superintendent considers necessary and shall specify the amount of notes to be issued. The amount shall not exceed the following:

(A) In the case of a school district:

(1) For levies described under division ~~(C)~~(D)(2) of section 5705.21 of the Revised Code, the amount by which the total estimated proceeds of the levy remaining to be collected throughout its life exceeds the amount from such proceeds required to pay the principal and interest on notes issued under section 5705.21 of the Revised Code and the interest on any notes issued under this section;

(2) For levies described under division ~~(C)~~(D)(3) of section 5705.21 of the Revised Code, the amount by which the total estimated proceeds of the levy remaining to be collected over the specified number of years authorized for the issuance of the notes exceeds the amount from such proceeds required to pay the principal and interest on notes issued under section 5705.21 of the Revised Code and the interest on any notes issued under this section.

(B) In the case of a county school financing district, the amount by which the total estimated proceeds of the levy remaining to be collected for the first five years of its life exceed the amount from such proceeds required to pay the principal and interest on notes issued under section 5705.215 of the Revised Code and the interest on any notes issued under this section.

The superintendent shall examine the application and any other relevant information submitted and shall determine and certify the maximum amount of notes the district may issue under this section, which may be an amount less than the amount requested by the district.

If the superintendent determines that the anticipated proceeds from the levy may be significantly less than expected and that additional notes should not be issued, ~~he~~ the superintendent may deny the application and give written notice of the denial to the president of the district's board of education or the taxing authority.

Such notes shall be sold in the same manner as notes issued under section 5705.21 or 5705.215 of the Revised Code.

**Sec. 5705.218.** (A) The board of education of a city, local, or exempted village school district, at any time by a vote of two-thirds of all its members, may declare by resolution that it may be necessary for the school district to issue general obligation bonds for permanent improvements. The resolution shall state all of the following:

(1) The necessity and purpose of the bond issue;

(2) The date of the special election at which the question shall be submitted to the electors;

(3) The amount, approximate date, estimated rate of interest, and maximum number of years over which the principal of the bonds

may be paid; 5316

(4) The necessity of levying a tax outside the ten-mill 5317  
limitation to pay debt charges on the bonds and any anticipatory 5318  
securities. 5319

On adoption of the resolution, the board shall certify a copy 5320  
of it to the county auditor. The county auditor promptly shall 5321  
estimate and certify to the board the average annual property tax 5322  
rate required throughout the stated maturity of the bonds to pay 5323  
debt charges on the bonds, in the same manner as under division 5324  
(C) of section 133.18 of the Revised Code. 5325

(B) After receiving the county auditor's certification under 5326  
division (A) of this section, the board of education of the city, 5327  
local, or exempted village school district, by a vote of 5328  
two-thirds of all its members, may declare by resolution that the 5329  
amount of taxes that can be raised within the ten-mill limitation 5330  
will be insufficient to provide an adequate amount for the present 5331  
and future requirements of the school district; that it is 5332  
necessary to issue general obligation bonds of the school district 5333  
for permanent improvements and to levy an additional tax in excess 5334  
of the ten-mill limitation to pay debt charges on the bonds and 5335  
any anticipatory securities; that it is necessary for a specified 5336  
number of years or for a continuing period of time to levy 5337  
additional taxes in excess of the ten-mill limitation to provide 5338  
funds for the acquisition, construction, enlargement, renovation, 5339  
and financing of permanent improvements or to pay for current 5340  
operating expenses, or both; and that the question of the bonds 5341  
and taxes shall be submitted to the electors of the school 5342  
district at a special election, which shall not be earlier than 5343  
ninety days after certification of the resolution to the board of 5344  
elections, and the date of which shall be consistent with section 5345  
3501.01 of the Revised Code. The resolution shall specify all of 5346  
the following: 5347

(1) The county auditor's estimate of the average annual 5348  
property tax rate required throughout the stated maturity of the 5349  
bonds to pay debt charges on the bonds; 5350

(2) The proposed rate of the tax, if any, for current 5351  
operating expenses, the first year the tax will be levied, and the 5352  
number of years it will be levied, or that it will be levied for a 5353  
continuing period of time; 5354

(3) The proposed rate of the tax, if any, for permanent 5355  
improvements, the first year the tax will be levied, and the 5356  
number of years it will be levied, or that it will be levied for a 5357  
continuing period of time. 5358

The resolution shall apportion the annual rate of the tax 5359  
between current operating expenses and permanent improvements, if 5360  
both taxes are proposed. The apportionment may but need not be the 5361  
same for each year of the tax, but the respective portions of the 5362  
rate actually levied each year for current operating expenses and 5363  
permanent improvements shall be limited by the apportionment. The 5364  
resolution shall go into immediate effect upon its passage, and no 5365  
publication of it is necessary other than that provided in the 5366  
notice of election. The board of education shall certify a copy of 5367  
the resolution, along with copies of the auditor's estimate and 5368  
its resolution under division (A) of this section, to the board of 5369  
elections immediately after its adoption. 5370

(C) The board of elections shall make the arrangements for 5371  
the submission of the question to the electors of the school 5372  
district, and the election shall be conducted, canvassed, and 5373  
certified in the same manner as regular elections in the district 5374  
for the election of county officers. The resolution shall be put 5375  
before the electors as one ballot question, with a favorable vote 5376  
indicating approval of the bond issue, the levy to pay debt 5377  
charges on the bonds and any anticipatory securities, the current 5378  
operating expenses levy, and the permanent improvements levy, if 5379

either or both levies are proposed. The board of elections shall 5380  
publish notice of the election in a newspaper of general 5381  
circulation in the school district once a week for two consecutive 5382  
weeks, or as provided in section 7.16 of the Revised Code, prior 5383  
to the election. If a board of elections operates and maintains a 5384  
web site, that board also shall post notice of the election on its 5385  
web site for thirty days prior to the election. The notice of 5386  
election shall state all of the following: 5387

(1) The principal amount of the proposed bond issue; 5388

(2) The permanent improvements for which the bonds are to be 5389  
issued; 5390

(3) The maximum number of years over which the principal of 5391  
the bonds may be paid; 5392

(4) The estimated additional average annual property tax rate 5393  
to pay the debt charges on the bonds, as certified by the county 5394  
auditor; 5395

(5) The proposed rate of the additional tax, if any, for 5396  
current operating expenses; 5397

(6) The number of years the current operating expenses tax 5398  
will be in effect, or that it will be in effect for a continuing 5399  
period of time; 5400

(7) The proposed rate of the additional tax, if any, for 5401  
permanent improvements; 5402

(8) The number of years the permanent improvements tax will 5403  
be in effect, or that it will be in effect for a continuing period 5404  
of time; 5405

(9) The time and place of the special election. 5406

(D) The form of the ballot for an election under this section 5407  
is as follows: 5408

"Shall the ..... school district be authorized to do the 5409

following: 5410

(1) Issue bonds for the purpose of ..... in the 5411  
principal amount of \$....., to be repaid annually over a maximum 5412  
period of ..... years, and levy a property tax outside the 5413  
ten-mill limitation, estimated by the county auditor to average 5414  
over the bond repayment period ..... mills for each one dollar of 5415  
tax valuation, which amounts to ..... (rate expressed in cents or 5416  
dollars and cents, such as "36 cents" or "\$1.41") for each \$100 of 5417  
tax valuation, to pay the annual debt charges on the bonds, and to 5418  
pay debt charges on any notes issued in anticipation of those 5419  
bonds?" 5420

If either a levy for permanent improvements or a levy for 5421  
current operating expenses is proposed, or both are proposed, the 5422  
ballot also shall contain the following language, as appropriate: 5423

"(2) Levy an additional property tax to provide funds for the 5424  
acquisition, construction, enlargement, renovation, and financing 5425  
of permanent improvements at a rate not exceeding ..... mills 5426  
for each one dollar of tax valuation, which amounts to ..... 5427  
(rate expressed in cents or dollars and cents) for each \$100 of 5428  
tax valuation, for ..... (number of years of the levy, or a 5429  
continuing period of time)? 5430

(3) Levy an additional property tax to pay current operating 5431  
expenses at a rate not exceeding ..... mills for each one dollar 5432  
of tax valuation, which amounts to ..... (rate expressed in 5433  
cents or dollars and cents) for each \$100 of tax valuation, for 5434  
..... (number of years of the levy, or a continuing period of 5435  
time)? 5436

5437

	FOR THE BOND ISSUE AND LEVY (OR LEVIES)
	AGAINST THE BOND ISSUE AND LEVY (OR LEVIES)

"

5438

5439

5440

(E) The board of elections promptly shall certify the results 5441  
of the election to the tax commissioner and the county auditor of 5442  
the county in which the school district is located. If a majority 5443  
of the electors voting on the question vote for it, the board of 5444  
education may proceed with issuance of the bonds and with the levy 5445  
and collection of the property tax or taxes at the additional rate 5446  
or any lesser rate in excess of the ten-mill limitation. Any 5447  
securities issued by the board of education under this section are 5448  
Chapter 133. securities, as that term is defined in section 133.01 5449  
of the Revised Code. 5450

(F)(1) After the approval of a tax for current operating 5451  
expenses under this section and prior to the time the first 5452  
collection and distribution from the levy can be made, the board 5453  
of education may anticipate a fraction of the proceeds of such 5454  
levy and issue anticipation notes in a principal amount not 5455  
exceeding fifty per cent of the total estimated proceeds of the 5456  
tax to be collected during the first year of the levy. 5457

(2) After the approval of a tax under this section for 5458  
permanent improvements having a specific purpose, the board of 5459  
education may anticipate a fraction of the proceeds of such tax 5460  
and issue anticipation notes in a principal amount not exceeding 5461  
fifty per cent of the total estimated proceeds of the tax 5462  
remaining to be collected in each year over a period of five years 5463  
after issuance of the notes. 5464

(3) After the approval of a tax for general, on-going 5465  
permanent improvements under this section, the board of education 5466  
may anticipate a fraction of the proceeds of such tax and issue 5467  
anticipation notes in a principal amount not exceeding fifty per 5468  
cent of the total estimated proceeds of the tax to be collected in 5469  
each year over a specified period of years, not exceeding ten, 5470  
after issuance of the notes. 5471

Anticipation notes under this section shall be issued as 5472



provided in section 133.24 of the Revised Code. Notes issued under 5473  
division (F)(1) or (2) of this section shall have principal 5474  
payments during each year after the year of their issuance over a 5475  
period not to exceed five years, and may have a principal payment 5476  
in the year of their issuance. Notes issued under division (F)(3) 5477  
of this section shall have principal payments during each year 5478  
after the year of their issuance over a period not to exceed ten 5479  
years, and may have a principal payment in the year of their 5480  
issuance. 5481

(G) A tax for current operating expenses or for permanent 5482  
improvements levied under this section for a specified number of 5483  
years may be renewed or replaced in the same manner as a tax for 5484  
current operating expenses or for permanent improvements levied 5485  
under section 5705.21 of the Revised Code. A tax for current 5486  
operating expenses or for permanent improvements levied under this 5487  
section for a continuing period of time may be decreased in 5488  
accordance with section 5705.261 of the Revised Code. 5489

(H) The submission of a question to the electors under this 5490  
section is subject to the limitation on the number of elections 5491  
that can be held in a year under section 5705.214 of the Revised 5492  
Code. 5493

(I) A school district board of education proposing a ballot 5494  
measure under this section to generate local resources for a 5495  
project under the school building assistance expedited local 5496  
partnership program under section 3318.36 of the Revised Code may 5497  
combine the questions under division (D) of this section with a 5498  
question for the levy of a property tax to generate moneys for 5499  
maintenance of the classroom facilities acquired under that 5500  
project as prescribed in section 3318.361 of the Revised Code. 5501

(J)(1) After receiving the county auditor's certification 5502  
under division (A) of this section, the board of education of a 5503  
municipal school district, by a vote of two-thirds of all its 5504

members, may declare by resolution that it is necessary to levy a 5505  
tax in excess of the ten-mill limitation for the purpose of paying 5506  
the current expenses of the school district and of qualifying 5507  
community schools, as defined in section 5705.21 of the Revised 5508  
Code; that it is necessary to issue general obligation bonds of 5509  
the school district for permanent improvements and to levy an 5510  
additional tax in excess of the ten-mill limitation to pay debt 5511  
charges on the bonds and any anticipatory securities; and that the 5512  
question of the bonds and taxes shall be submitted to the electors 5513  
of the school district at a special election, which shall not be 5514  
earlier than ninety days after certification of the resolution to 5515  
the board of elections, and the date of which shall be consistent 5516  
with section 3505.01 of the Revised Code. 5517

(2) The tax for the current expenses of the school district 5518  
and of qualifying community schools shall conform to division (B) 5519  
of section 5705.21 of the Revised Code. 5520

(3) In addition to the required specifications of the 5521  
resolution under division (B) of this section, the resolution 5522  
shall state the number of the mills to be levied for the current 5523  
expenses of the qualifying community schools and the number of the 5524  
mills to be levied for the current expenses of the school 5525  
district. 5526

(4) The form of the ballot shall be modified by replacing 5527  
division (D)(3) of this section with the following: 5528

"Levy an additional property tax for the purpose of the 5529  
current expenses of the school district and of qualifying 5530  
community schools at a rate not exceeding ..... (insert the 5531  
number of mills) mills for each one dollar of valuation (of which 5532  
..... (insert the number of mills to be allocated to qualifying 5533  
community schools) mills is to be allocated to qualifying 5534  
community schools) which amounts to ..... (insert the rate 5535  
expressed in dollars and cents) for each one hundred dollars of 5536

valuation, for ..... (insert the number of years the levy is to 5537  
be imposed, or that it will be levied for a continuing period of 5538  
time)? 5539

FOR THE BOND ISSUE AND LEVY (OR LEVIES) AGAINST THE BOND 5540  
ISSUE AND LEVY (OR LEVIES)" 5541

(5) After the approval of a tax for the current expenses of 5542  
the school district and of qualifying community schools under 5543  
division (J) of this section, and prior to the time the first 5544  
collection and distribution from the levy can be made, the board 5545  
of education may anticipate a fraction of the proceeds of the levy 5546  
for the current expenses of the school district and issue 5547  
anticipation notes in a principal amount not exceeding fifty per 5548  
cent of the estimated proceeds of the levy to be collected during 5549  
the first year of the levy and allocated to the school district. 5550  
The portion of levy proceeds to be allocated to qualifying 5551  
community schools shall not be included in the estimated proceeds 5552  
anticipated under this division and shall not be used to pay debt 5553  
charges on any anticipation notes. 5554

The notes shall be issued as provided in section 133.24 of 5555  
the Revised Code, shall have principal payments during each year 5556  
after the year of their issuance over a period not to exceed five 5557  
years, and may have a principal payment in the year of their 5558  
issuance. 5559

(6) A tax for the current expenses of the school district and 5560  
of qualifying community schools levied under division (J) of this 5561  
section for a specified number of years may be renewed or replaced 5562  
in the same manner as a tax for the current expenses of a school 5563  
district and of qualifying community schools levied under division 5564  
(B) of section 5705.21 of the Revised Code. A tax for the current 5565  
expenses of the school district and of qualifying community 5566  
schools levied under this division for a continuing period of time 5567  
may be decreased in accordance with section 5705.261 of the 5568

Revised Code. 5569

(7) The proceeds from the issuance of the general obligation 5570  
bonds under division (J) of this section shall be used solely to 5571  
pay for permanent improvements of the school district and not for 5572  
permanent improvements of qualifying community schools. 5573

**Sec. 5705.261.** The question of decrease of an increased rate 5574  
of levy approved for a continuing period of time by the voters of 5575  
a subdivision may be initiated by the filing of a petition with 5576  
the board of elections of the proper county not less than ninety 5577  
days before the general election in any year requesting that an 5578  
election be held on such question. Such petition shall state the 5579  
amount of the proposed decrease in the rate of levy and shall be 5580  
signed by qualified electors residing in the subdivision equal in 5581  
number to at least ten per cent of the total number of votes cast 5582  
in the subdivision for the office of governor at the most recent 5583  
general election for that office. Only one such petition may be 5584  
filed during each five-year period following the election at which 5585  
the voters approved the increased rate for a continuing period of 5586  
time. 5587

After determination by it that such petition is valid, the 5588  
board of elections shall submit the question to the electors of 5589  
the district at the succeeding general election. The election 5590  
shall be conducted, canvassed, and certified in the same manner as 5591  
regular elections in such subdivision for county offices. Notice 5592  
of the election shall be published in a newspaper of general 5593  
circulation in the district once a week for two consecutive weeks, 5594  
or as provided in section 7.16 of the Revised Code, prior to the 5595  
election. If the board of elections operates and maintains a web 5596  
site, the board of elections shall post notice of the election on 5597  
its web site for thirty days prior to the election. The notice 5598  
shall state the purpose, the amount of the proposed decrease in 5599

rate, and the time and place of the election. The form of the 5600  
ballot cast at such election shall be prescribed by the secretary 5601  
of state. The question covered by such petition shall be submitted 5602  
as a separate proposition but it may be printed on the same ballot 5603  
with any other propositions submitted at the same election other 5604  
than the election of officers. If a majority of the qualified 5605  
electors voting on the question of a decrease at such election 5606  
approve the proposed decrease in rate, the result of the election 5607  
shall be certified immediately after the canvass by the board of 5608  
elections to the subdivision's taxing authority, which shall 5609  
thereupon, after the current year, cease to levy such increased 5610  
rate or levy such tax at such reduced rate upon the duplicate of 5611  
the subdivision. If notes have been issued in anticipation of the 5612  
collection of such levy, the taxing authority shall continue to 5613  
levy and collect under authority of the election authorizing the 5614  
original levy such amounts as will be sufficient to pay the 5615  
principal of and interest on such anticipation notes as the same 5616  
fall due. 5617

In the case of a levy for the current expenses of a municipal 5618  
school district and of qualifying community schools imposed under 5619  
section 5705.192, division (B) of section 5705.21, division (C) of 5620  
section 5705.212, or division (J) of section 5705.218 of the 5621  
Revised Code for a continuing period of time, the rate allocated 5622  
to the school district and to qualifying community schools shall 5623  
each be decreased by a number of mills per dollar that is 5624  
proportionate to the decrease in the rate of the levy in 5625  
proportion to the rate at which the levy was imposed before the 5626  
decrease. 5627

**Sec. 5748.01.** As used in this chapter: 5628

(A) "School district income tax" means an income tax adopted 5629  
under one of the following: 5630

(1) Former section 5748.03 of the Revised Code as it existed prior to its repeal by Amended Substitute House Bill No. 291 of the 115th general assembly;	5631 5632 5633
(2) Section 5748.03 of the Revised Code as enacted in Substitute Senate Bill No. 28 of the 118th general assembly;	5634 5635
(3) Section 5748.08 of the Revised Code as enacted in Amended Substitute Senate Bill No. 17 of the 122nd general assembly;	5636 5637
(4) Section 5748.021 of the Revised Code;	5638
(5) Section 5748.081 of the Revised Code;	5639
(6) Section 5748.09 of the Revised Code.	5640
(B) "Individual" means an individual subject to the tax levied by section 5747.02 of the Revised Code.	5641 5642
(C) "Estate" means an estate subject to the tax levied by section 5747.02 of the Revised Code.	5643 5644
(D) "Taxable year" means a taxable year as defined in division (M) of section 5747.01 of the Revised Code.	5645 5646
(E) "Taxable income" means:	5647
(1) In the case of an individual, one of the following, as specified in the resolution imposing the tax:	5648 5649
(a) Ohio adjusted gross income for the taxable year as defined in division (A) of section 5747.01 of the Revised Code, less the exemptions provided by section 5747.02 of the Revised Code;	5650 5651 5652 5653
(b) Wages, salaries, tips, and other employee compensation to the extent included in Ohio adjusted gross income as defined in section 5747.01 of the Revised Code, and net earnings from self-employment, as defined in section 1402(a) of the Internal Revenue Code, to the extent included in Ohio adjusted gross income.	5654 5655 5656 5657 5658 5659

(2) In the case of an estate, taxable income for the taxable year as defined in division (S) of section 5747.01 of the Revised Code. 5660  
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(F) "Resident" of the school district means: 5663

(1) An individual who is a resident of this state as defined in division (I) of section 5747.01 of the Revised Code during all or a portion of the taxable year and who, during all or a portion of such period of state residency, is domiciled in the school district or lives in and maintains a permanent place of abode in the school district; 5664  
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(2) An estate of a decedent who, at the time of death, was domiciled in the school district. 5670  
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(G) "School district income" means: 5672

(1) With respect to an individual, the portion of the taxable income of an individual that is received by the individual during the portion of the taxable year that the individual is a resident of the school district and the school district income tax is in effect in that school district. An individual may have school district income with respect to more than one school district. 5673  
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(2) With respect to an estate, the taxable income of the estate for the portion of the taxable year that the school district income tax is in effect in that school district. 5679  
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(H) "Taxpayer" means an individual or estate having school district income upon which a school district income tax is imposed. 5682  
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(I) "School district purposes" means any of the purposes for which a tax may be levied pursuant to division (A) of section 5705.21 of the Revised Code, including the combined purposes authorized by section 5705.217 of the Revised Code. 5685  
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**Section 2.** That existing sections 124.36, 2903.13, 2921.02, 5689

3302.03, 3302.04, 3302.061, 3307.01, 3311.71, 3311.72, 3311.74, 5690  
3311.76, 3313.41, 3313.411, 3313.975, 3314.012, 3314.016, 3314.10, 5691  
3314.35, 3314.36, 3316.07, 3318.08, 3319.02, 3319.071, 3319.10, 5692  
3319.112, 3319.12, 3319.13, 3319.14, 3319.141, 3319.143, 3319.151, 5693  
3319.18, 3319.283, 4141.29, 5705.192, 5705.21, 5705.212, 5705.215, 5694  
5705.216, 5705.218, 5705.261, and 5748.01 of the Revised Code are 5695  
hereby repealed. 5696

**Section 3.** The amendment by this act of sections 5705.192, 5697  
5705.21, 5705.212, 5705.215, 5705.216, 5705.218, 5705.261, and 5698  
5748.01 of the Revised Code apply to any proceedings commenced 5699  
after their effective date, and, so far as their provisions 5700  
support the actions taken, also apply to any proceedings that on 5701  
their effective date are pending, in progress, or completed, to 5702  
any elections authorized, conducted, or certified, and to 5703  
securities authorized or issued pursuant to those proceedings, 5704  
notwithstanding any law, resolution, ordinance, order, 5705  
advertisement, notice, or other proceeding in effect before their 5706  
effective date. Any proceedings pending or in progress on, or 5707  
completed by or before, the effective date of those amendments, 5708  
elections authorized, conducted, or certified, and securities 5709  
sold, issued, and delivered, or validated, pursuant to those 5710  
proceedings, shall be deemed to have been taken, authorized, 5711  
conducted, certified, sold, issued, delivered, or validated in 5712  
conformity with those amendments so far as their provisions 5713  
support the actions taken, and are hereby ratified and confirmed. 5714

The amendment by this act of sections 5705.192, 5705.21, 5715  
5705.212, 5705.215, 5705.216, 5705.218, 5705.261, and 5748.01 of 5716  
the Revised Code provide additional or supplemental provisions for 5717  
subject matter that may also be the subject of other laws, and is 5718  
intended to be supplemental to, and not in derogation of, any 5719  
similar authority provided by, derived from, or implied by, the 5720  
Constitution of Ohio, or any other law, including laws amended by 5721



this act, or any charter, order, resolution, or ordinance; and 5722  
those amendments to sections 5705.192, 5705.21, 5705.212, 5723  
5705.215, 5705.216, 5705.218, 5705.261, and 5748.01 of the Revised 5724  
Code shall not be interpreted to negate the authority provided by, 5725  
derived from, or implied by such Constitution of Ohio, laws, 5726  
charters, orders, resolutions, or ordinances. 5727

The provisions of law enacted, amended, or repealed by this 5728  
act, as existed prior to the act's effective date, shall be deemed 5729  
to remain applicable to any actions taken, including any election 5730  
held or any securities issued pursuant to or in reliance on them. 5731