

**As Introduced**

**129th General Assembly  
Regular Session  
2011-2012**

**S. B. No. 335**

**Senators Turner, Lehner**

**Cosponsors: Senators Jones, LaRose, Eklund, Obhof, Wagoner**

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**A B I L L**

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, 5705.251, 5705.261, and 5748.01 and to 9  
enact sections 3311.77 to 3311.86, 3313.412, and 10  
3314.351 of the Revised Code to revise the 11  
management of municipal school districts and 12  
community schools located within municipal school 13  
districts; to permit the establishment of a 14  
Municipal School District Transformation Alliance; 15  
to expand the offense of bribery to cover 16  
directors, officers, and employees of the 17  
Alliance; and to authorize municipal school 18  
districts to levy property taxes the revenue from 19  
which may be shared with qualifying community 20  
schools. 21

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

**Section 1.** That sections 124.36, 2903.13, 2921.02, 3302.03, 22  
3302.04, 3302.061, 3307.01, 3311.71, 3311.72, 3311.74, 3311.76, 23  
3313.41, 3313.411, 3313.975, 3314.012, 3314.016, 3314.10, 3314.35, 24  
3314.36, 3316.07, 3318.08, 3319.02, 3319.071, 3319.10, 3319.112, 25  
3319.12, 3319.13, 3319.14, 3319.141, 3319.143, 3319.151, 3319.18, 26  
3319.283, 4141.29, 5705.192, 5705.21, 5705.212, 5705.215, 27  
5705.216, 5705.218, 5705.251, 5705.261, and 5748.01 be amended and 28  
sections 3311.77, 3311.78, 3311.79, 3311.80, 3311.81, 3311.82, 29  
3311.83, 3311.84, 3311.85, 3311.86, 3313.412, and 3314.351 of the 30  
Revised Code be enacted to read as follows: 31

**Sec. 124.36.** It shall be sufficient cause for the removal of 32  
any public employees including teachers in the public schools or 33  
any state supported educational institution when such public 34  
employee or teacher advocates or willfully retains membership in 35  
an organization which advocates overthrow of the government of the 36  
United States or of the state, by force, violence or other 37  
unlawful means. 38

The procedure for the termination of a contract of a teacher 39  
under the provisions of this section shall be in the manner set 40  
forth in section 3311.82 or 3319.16 of the Revised Code. The 41  
procedure for the removal of all other public employees under the 42  
provisions of this section shall be the same as is provided in 43  
section 124.34 of the Revised Code, except that the decision of 44  
the state personnel board of review or the municipal civil service 45  
commission shall be subject to appeal to the court of common pleas 46  
of the county in which such public employees are employed to 47  
determine the sufficiency of the cause of removal. Such appeal 48  
shall be taken within ten days from the finding of the board or 49  
commission. 50

**Sec. 2903.13.** (A) No person shall knowingly cause or attempt 51

to cause physical harm to another or to another's unborn. 52

(B) No person shall recklessly cause serious physical harm to 53  
another or to another's unborn. 54

(C) Whoever violates this section is guilty of assault, and 55  
the court shall sentence the offender as provided in this division 56  
and divisions (C)(1), (2), (3), (4), (5), and (6) of this section. 57  
Except as otherwise provided in division (C)(1), (2), (3), (4), or 58  
(5) of this section, assault is a misdemeanor of the first degree. 59

(1) Except as otherwise provided in this division, if the 60  
offense is committed by a caretaker against a functionally 61  
impaired person under the caretaker's care, assault is a felony of 62  
the fourth degree. If the offense is committed by a caretaker 63  
against a functionally impaired person under the caretaker's care, 64  
if the offender previously has been convicted of or pleaded guilty 65  
to a violation of this section or section 2903.11 or 2903.16 of 66  
the Revised Code, and if in relation to the previous conviction 67  
the offender was a caretaker and the victim was a functionally 68  
impaired person under the offender's care, assault is a felony of 69  
the third degree. 70

(2) If the offense is committed in any of the following 71  
circumstances, assault is a felony of the fifth degree: 72

(a) The offense occurs in or on the grounds of a state 73  
correctional institution or an institution of the department of 74  
youth services, the victim of the offense is an employee of the 75  
department of rehabilitation and correction, the department of 76  
youth services, or a probation department or is on the premises of 77  
the particular institution for business purposes or as a visitor, 78  
and the offense is committed by a person incarcerated in the state 79  
correctional institution, by a person institutionalized in the 80  
department of youth services institution pursuant to a commitment 81  
to the department of youth services, by a parolee, by an offender 82

under transitional control, under a community control sanction, or 83  
on an escorted visit, by a person under post-release control, or 84  
by an offender under any other type of supervision by a government 85  
agency. 86

(b) The offense occurs in or on the grounds of a local 87  
correctional facility, the victim of the offense is an employee of 88  
the local correctional facility or a probation department or is on 89  
the premises of the facility for business purposes or as a 90  
visitor, and the offense is committed by a person who is under 91  
custody in the facility subsequent to the person's arrest for any 92  
crime or delinquent act, subsequent to the person's being charged 93  
with or convicted of any crime, or subsequent to the person's 94  
being alleged to be or adjudicated a delinquent child. 95

(c) The offense occurs off the grounds of a state 96  
correctional institution and off the grounds of an institution of 97  
the department of youth services, the victim of the offense is an 98  
employee of the department of rehabilitation and correction, the 99  
department of youth services, or a probation department, the 100  
offense occurs during the employee's official work hours and while 101  
the employee is engaged in official work responsibilities, and the 102  
offense is committed by a person incarcerated in a state 103  
correctional institution or institutionalized in the department of 104  
youth services who temporarily is outside of the institution for 105  
any purpose, by a parolee, by an offender under transitional 106  
control, under a community control sanction, or on an escorted 107  
visit, by a person under post-release control, or by an offender 108  
under any other type of supervision by a government agency. 109

(d) The offense occurs off the grounds of a local 110  
correctional facility, the victim of the offense is an employee of 111  
the local correctional facility or a probation department, the 112  
offense occurs during the employee's official work hours and while 113  
the employee is engaged in official work responsibilities, and the 114

offense is committed by a person who is under custody in the 115  
facility subsequent to the person's arrest for any crime or 116  
delinquent act, subsequent to the person being charged with or 117  
convicted of any crime, or subsequent to the person being alleged 118  
to be or adjudicated a delinquent child and who temporarily is 119  
outside of the facility for any purpose or by a parolee, by an 120  
offender under transitional control, under a community control 121  
sanction, or on an escorted visit, by a person under post-release 122  
control, or by an offender under any other type of supervision by 123  
a government agency. 124

(e) The victim of the offense is a school teacher or 125  
administrator or a school bus operator, and the offense occurs in 126  
a school, on school premises, in a school building, on a school 127  
bus, or while the victim is outside of school premises or a school 128  
bus and is engaged in duties or official responsibilities 129  
associated with the victim's employment or position as a school 130  
teacher or administrator or a school bus operator, including, but 131  
not limited to, driving, accompanying, or chaperoning students at 132  
or on class or field trips, athletic events, or other school 133  
extracurricular activities or functions outside of school 134  
premises. 135

(3) If the victim of the offense is a peace officer or an 136  
investigator of the bureau of criminal identification and 137  
investigation, a firefighter, or a person performing emergency 138  
medical service, while in the performance of their official 139  
duties, assault is a felony of the fourth degree. 140

(4) If the victim of the offense is a peace officer or an 141  
investigator of the bureau of criminal identification and 142  
investigation and if the victim suffered serious physical harm as 143  
a result of the commission of the offense, assault is a felony of 144  
the fourth degree, and the court, pursuant to division (F) of 145  
section 2929.13 of the Revised Code, shall impose as a mandatory 146

prison term one of the prison terms prescribed for a felony of the 147  
fourth degree that is at least twelve months in duration. 148

(5) If the victim of the offense is an officer or employee of 149  
a public children services agency or a private child placing 150  
agency and the offense relates to the officer's or employee's 151  
performance or anticipated performance of official 152  
responsibilities or duties, assault is either a felony of the 153  
fifth degree or, if the offender previously has been convicted of 154  
or pleaded guilty to an offense of violence, the victim of that 155  
prior offense was an officer or employee of a public children 156  
services agency or private child placing agency, and that prior 157  
offense related to the officer's or employee's performance or 158  
anticipated performance of official responsibilities or duties, a 159  
felony of the fourth degree. 160

(6) If an offender who is convicted of or pleads guilty to 161  
assault when it is a misdemeanor also is convicted of or pleads 162  
guilty to a specification as described in section 2941.1423 of the 163  
Revised Code that was included in the indictment, count in the 164  
indictment, or information charging the offense, the court shall 165  
sentence the offender to a mandatory jail term as provided in 166  
division (G) of section 2929.24 of the Revised Code. 167

If an offender who is convicted of or pleads guilty to 168  
assault when it is a felony also is convicted of or pleads guilty 169  
to a specification as described in section 2941.1423 of the 170  
Revised Code that was included in the indictment, count in the 171  
indictment, or information charging the offense, except as 172  
otherwise provided in division (C)(4) of this section, the court 173  
shall sentence the offender to a mandatory prison term as provided 174  
in division (B)(8) of section 2929.14 of the Revised Code. 175

(D) As used in this section: 176

(1) "Peace officer" has the same meaning as in section 177

2935.01 of the Revised Code.	178
(2) "Firefighter" has the same meaning as in section 3937.41 of the Revised Code.	179 180
(3) "Emergency medical service" has the same meaning as in section 4765.01 of the Revised Code.	181 182
(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.	183 184 185 186 187 188 189 190
(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.	191 192 193 194 195
(6) "School teacher or administrator" means either of the following:	196 197
(a) A person who is employed in the public schools of the state under a contract described in section <u>3311.77 or</u> 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.	198 199 200 201 202
(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.	203 204 205 206
(7) "Community control sanction" has the same meaning as in	207

section 2929.01 of the Revised Code. 208

(8) "Escorted visit" means an escorted visit granted under 209  
section 2967.27 of the Revised Code. 210

(9) "Post-release control" and "transitional control" have 211  
the same meanings as in section 2967.01 of the Revised Code. 212

(10) "Investigator of the bureau of criminal identification 213  
and investigation" has the same meaning as in section 2903.11 of 214  
the Revised Code. 215

**Sec. 2921.02.** (A) No person, with purpose to corrupt a public 216  
servant or party official, or improperly to influence ~~him~~ a public 217  
servant or party official with respect to the discharge of ~~his~~ the 218  
public servant's or party official's duty, whether before or after 219  
he the public servant or party official is elected, appointed, 220  
qualified, employed, summoned, or sworn, shall promise, offer, or 221  
give any valuable thing or valuable benefit. 222

(B) No person, either before or after ~~he~~ the person is 223  
elected, appointed, qualified, employed, summoned, or sworn as a 224  
public servant or party official, shall knowingly solicit or 225  
accept for ~~himself~~ self or another person any valuable thing or 226  
valuable benefit to corrupt or improperly influence ~~him~~ the person 227  
or another public servant or party official with respect to the 228  
discharge of ~~his~~ the person's or the other public servant's or 229  
party official's duty. 230

(C) No person, with purpose to corrupt a witness or 231  
improperly to influence ~~him~~ a witness with respect to ~~his~~ the 232  
witness's testimony in an official proceeding, either before or 233  
after ~~he~~ the witness is subpoenaed or sworn, shall promise, offer, 234  
or give ~~him~~ the witness or another person any valuable thing or 235  
valuable benefit. 236

(D) No person, either before or after ~~he~~ the person is 237



subpoenaed or sworn as a witness, shall knowingly solicit or 238  
accept for ~~himself~~ self or another person any valuable thing or 239  
valuable benefit to corrupt or improperly influence ~~him~~ self or 240  
another person with respect to ~~his~~ testimony given in an official 241  
proceeding. 242

(E) No person, with purpose to corrupt a director, officer, 243  
or employee of a municipal school district transformation alliance 244  
established under section 3311.86 of the Revised Code, or 245  
improperly to influence a director, officer, or employee of a 246  
municipal school district transformation alliance with respect to 247  
the discharge of the director's, officer's, or employee's duties, 248  
whether before or after the director, officer, or employee is 249  
appointed or employed, shall promise, offer, or give the director, 250  
officer, or employee any valuable thing or valuable benefit. 251

(F) No person, either before or after the person is appointed 252  
or employed as a director, officer, or employee of a municipal 253  
school district transformation alliance established under section 254  
3311.86 of the Revised Code, shall knowingly solicit or accept for 255  
self or another person any valuable thing or valuable benefit to 256  
corrupt or improperly influence the person or another director, 257  
officer, or employee of a municipal school district transformation 258  
alliance with respect to the discharge of the person's or other 259  
director's, officer's, or employee's duties. 260

(G) Whoever violates this section is guilty of bribery, a 261  
felony of the third degree. 262

~~(F)~~(H) A public servant or party official, or director, 263  
officer, or employee of a municipal school district transformation 264  
alliance established under section 3311.86 of the Revised Code, 265  
who is convicted of bribery is forever disqualified from holding 266  
any public office, employment, or position of trust in this state. 267

**Sec. 3302.03.** (A) Annually the department of education shall 268

report for each school district and each school building in a	269
district all of the following:	270
(1) The extent to which the school district or building meets	271
each of the applicable performance indicators created by the state	272
board of education under section 3302.02 of the Revised Code and	273
the number of applicable performance indicators that have been	274
achieved;	275
(2) The performance index score of the school district or	276
building;	277
(3) Whether the school district or building has made adequate	278
yearly progress;	279
(4) Whether the school district or building is excellent,	280
effective, needs continuous improvement, is under an academic	281
watch, or is in a state of academic emergency.	282
(B) Except as otherwise provided in division (B)(6) of this	283
section:	284
(1) A school district or building shall be declared excellent	285
if it meets at least ninety-four per cent of the applicable state	286
performance indicators or has a performance index score	287
established by the department, except that if it does not make	288
adequate yearly progress for two or more of the same subgroups for	289
three or more consecutive years, it shall be declared effective.	290
(2) A school district or building shall be declared effective	291
if it meets at least seventy-five per cent but less than	292
ninety-four per cent of the applicable state performance	293
indicators or has a performance index score established by the	294
department, except that if it does not make adequate yearly	295
progress for two or more of the same subgroups for three or more	296
consecutive years, it shall be declared in need of continuous	297
improvement.	298

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

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

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

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

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

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

A school district or building shall not be assigned a higher performance rating than in need of continuous improvement if at least ten per cent but not more than fifteen per cent of the enrolled students do not take all achievement assessments prescribed for their grade level under division (A)(1) or (B)(1) of section 3301.0710 of the Revised Code from which they are not

excused pursuant to division (C)(1) or (3) of section 3301.0711 of 330  
the Revised Code. A school district or building shall not be 331  
assigned a higher performance rating than under an academic watch 332  
if more than fifteen per cent but not more than twenty per cent of 333  
the enrolled students do not take all achievement assessments 334  
prescribed for their grade level under division (A)(1) or (B)(1) 335  
of section 3301.0710 of the Revised Code from which they are not 336  
excused pursuant to division (C)(1) or (3) of section 3301.0711 of 337  
the Revised Code. A school district or building shall not be 338  
assigned a higher performance rating than in a state of academic 339  
emergency if more than twenty per cent of the enrolled students do 340  
not take all achievement assessments prescribed for their grade 341  
level under division (A)(1) or (B)(1) of section 3301.0710 of the 342  
Revised Code from which they are not excused pursuant to division 343  
(C)(1) or (3) of section 3301.0711 of the Revised Code. 344

(C)(1) The department shall issue annual report cards for 345  
each school district, each building within each district, and for 346  
the state as a whole reflecting performance on the indicators 347  
created by the state board under section 3302.02 of the Revised 348  
Code, the performance index score, and adequate yearly progress. 349

(2) The department shall include on the report card for each 350  
district information pertaining to any change from the previous 351  
year made by the school district or school buildings within the 352  
district on any performance indicator. 353

(3) When reporting data on student performance, the 354  
department shall disaggregate that data according to the following 355  
categories: 356

(a) Performance of students by age group; 357

(b) Performance of students by race and ethnic group; 358

(c) Performance of students by gender; 359

(d) Performance of students grouped by those who have been 360

enrolled in a district or school for three or more years;	361
(e) Performance of students grouped by those who have been	362
enrolled in a district or school for more than one year and less	363
than three years;	364
(f) Performance of students grouped by those who have been	365
enrolled in a district or school for one year or less;	366
(g) Performance of students grouped by those who are	367
economically disadvantaged;	368
(h) Performance of students grouped by those who are enrolled	369
in a conversion community school established under Chapter 3314.	370
of the Revised Code;	371
(i) Performance of students grouped by those who are	372
classified as limited English proficient;	373
(j) Performance of students grouped by those who have	374
disabilities;	375
(k) Performance of students grouped by those who are	376
classified as migrants;	377
(l) Performance of students grouped by those who are	378
identified as gifted pursuant to Chapter 3324. of the Revised	379
Code.	380
The department may disaggregate data on student performance	381
according to other categories that the department determines are	382
appropriate. To the extent possible, the department shall	383
disaggregate data on student performance according to any	384
combinations of two or more of the categories listed in divisions	385
(C)(3)(a) to (l) of this section that it deems relevant.	386
In reporting data pursuant to division (C)(3) of this	387
section, the department shall not include in the report cards any	388
data statistical in nature that is statistically unreliable or	389
that could result in the identification of individual students.	390

For this purpose, the department shall not report student performance data for any group identified in division (C)(3) of this section that contains less than ten students.

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

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

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

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

(a) For any district that sponsors a conversion community school under Chapter 3314. of the Revised Code, the department shall combine data regarding the academic performance of students enrolled in the community school with comparable data from the schools of the district for the purpose of calculating the performance of the district as a whole on the report card issued

for the district. 422

(b) Any district that leases a building to a community school 423  
located in the district or that enters into an agreement with a 424  
community school located in the district whereby the district and 425  
the school endorse each other's programs may elect to have data 426  
regarding the academic performance of students enrolled in the 427  
community school combined with comparable data from the schools of 428  
the district for the purpose of calculating the performance of the 429  
district as a whole on the district report card. Any district that 430  
so elects shall annually file a copy of the lease or agreement 431  
with the department. 432

(c) Any municipal school district, as defined in section 433  
3311.71 of the Revised Code, that sponsors, provides services to, 434  
or leases a building to a start-up or conversion community school 435  
located within the district's territory, or that enters into an 436  
agreement with a community school located within the district's 437  
territory whereby the district and the community school endorse 438  
each other's programs, may elect (i) to have data regarding the 439  
academic performance of students enrolled in the community school 440  
combined with comparable data from the schools of the district for 441  
the purpose of calculating the performance of the district as a 442  
whole on the district's report card and (ii) to have the students 443  
attending the community school included in the district's average 444  
daily student enrollment as reported in the district's report 445  
card. Any district that so elects shall annually file with the 446  
department a copy of the lease or agreement and other 447  
documentation indicating eligibility for that election, as 448  
required by the department. 449

(7) The department shall include on each report card the 450  
percentage of teachers in the district or building who are highly 451  
qualified, as defined by the "No Child Left Behind Act of 2001," 452  
and a comparison of that percentage with the percentages of such 453

teachers in similar districts and buildings. 454

(8) The department shall include on the report card the 455  
number of lead teachers employed by each district and each 456  
building once the data is available from the education management 457  
information system established under section 3301.0714 of the 458  
Revised Code. 459

(D)(1) In calculating English language arts, mathematics, 460  
social studies, or science assessment passage rates used to 461  
determine school district or building performance under this 462  
section, the department shall include all students taking an 463  
assessment with accommodation or to whom an alternate assessment 464  
is administered pursuant to division (C)(1) or (3) of section 465  
3301.0711 of the Revised Code. 466

(2) In calculating performance index scores, rates of 467  
achievement on the performance indicators established by the state 468  
board under section 3302.02 of the Revised Code, and adequate 469  
yearly progress for school districts and buildings under this 470  
section, the department shall do all of the following: 471

(a) Include for each district or building only those students 472  
who are included in the ADM certified for the first full school 473  
week of October and are continuously enrolled in the district or 474  
building through the time of the spring administration of any 475  
assessment prescribed by division (A)(1) or (B)(1) of section 476  
3301.0710 of the Revised Code that is administered to the 477  
student's grade level; 478

(b) Include cumulative totals from both the fall and spring 479  
administrations of the third grade English language arts 480  
achievement assessment; 481

(c) Except as required by the "No Child Left Behind Act of 482  
2001" for the calculation of adequate yearly progress, exclude for 483  
each district or building any limited English proficient student 484



who has been enrolled in United States schools for less than one 485  
full school year. 486

**Sec. 3302.04.** (A) The department of education shall establish 487  
a system of intensive, ongoing support for the improvement of 488  
school districts and school buildings. In accordance with the 489  
model of differentiated accountability described in section 490  
3302.041 of the Revised Code, the system shall give priority to 491  
districts and buildings that have been declared to be under an 492  
academic watch or in a state of academic emergency under section 493  
3302.03 of the Revised Code and shall include services provided to 494  
districts and buildings through regional service providers, such 495  
as educational service centers. 496

(B) This division does not apply to any school district after 497  
June 30, 2008. 498

When a school district has been notified by the department 499  
pursuant to division (A) of section 3302.03 of the Revised Code 500  
that the district or a building within the district has failed to 501  
make adequate yearly progress for two consecutive school years, 502  
the district shall develop a three-year continuous improvement 503  
plan for the district or building containing each of the 504  
following: 505

(1) An analysis of the reasons for the failure of the 506  
district or building to meet any of the applicable performance 507  
indicators established under section 3302.02 of the Revised Code 508  
that it did not meet and an analysis of the reasons for its 509  
failure to make adequate yearly progress; 510

(2) Specific strategies that the district or building will 511  
use to address the problems in academic achievement identified in 512  
division (B)(1) of this section; 513

(3) Identification of the resources that the district will 514

allocate toward improving the academic achievement of the district 515  
or building; 516

(4) A description of any progress that the district or 517  
building made in the preceding year toward improving its academic 518  
achievement; 519

(5) An analysis of how the district is utilizing the 520  
professional development standards adopted by the state board 521  
pursuant to section 3319.61 of the Revised Code; 522

(6) Strategies that the district or building will use to 523  
improve the cultural competency, as defined pursuant to section 524  
3319.61 of the Revised Code, of teachers and other educators. 525

No three-year continuous improvement plan shall be developed 526  
or adopted pursuant to this division unless at least one public 527  
hearing is held within the affected school district or building 528  
concerning the final draft of the plan. Notice of the hearing 529  
shall be given two weeks prior to the hearing by publication in 530  
one newspaper of general circulation within the territory of the 531  
affected school district or building. Copies of the plan shall be 532  
made available to the public. 533

(C) When a school district or building has been notified by 534  
the department pursuant to division (A) of section 3302.03 of the 535  
Revised Code that the district or building is under an academic 536  
watch or in a state of academic emergency, the district or 537  
building shall be subject to any rules establishing intervention 538  
in academic watch or emergency school districts or buildings. 539

(D)(1) Within one hundred twenty days after any school 540  
district or building is declared to be in a state of academic 541  
emergency under section 3302.03 of the Revised Code, the 542  
department may initiate a site evaluation of the building or 543  
school district. 544

(2) Division (D)(2) of this section does not apply to any 545

school district after June 30, 2008. 546

If any school district that is declared to be in a state of 547  
academic emergency or in a state of academic watch under section 548  
3302.03 of the Revised Code or encompasses a building that is 549  
declared to be in a state of academic emergency or in a state of 550  
academic watch fails to demonstrate to the department satisfactory 551  
improvement of the district or applicable buildings or fails to 552  
submit to the department any information required under rules 553  
established by the state board of education, prior to approving a 554  
three-year continuous improvement plan under rules established by 555  
the state board of education, the department shall conduct a site 556  
evaluation of the school district or applicable buildings to 557  
determine whether the school district is in compliance with 558  
minimum standards established by law or rule. 559

(3) Site evaluations conducted under divisions (D)(1) and (2) 560  
of this section shall include, but not be limited to, the 561  
following: 562

(a) Determining whether teachers are assigned to subject 563  
areas for which they are licensed or certified; 564

(b) Determining pupil-teacher ratios; 565

(c) Examination of compliance with minimum instruction time 566  
requirements for each school day and for each school year; 567

(d) Determining whether materials and equipment necessary to 568  
implement the curriculum approved by the school district board are 569  
available; 570

(e) Examination of whether the teacher and principal 571  
evaluation systems comply with sections 3311.80, 3311.84, 3319.02, 572  
and 3319.111 of the Revised Code; 573

(f) Examination of the adequacy of efforts to improve the 574  
cultural competency, as defined pursuant to section 3319.61 of the 575

Revised Code, of teachers and other educators. 576

(E) This division applies only to school districts that 577  
operate a school building that fails to make adequate yearly 578  
progress for two or more consecutive school years. It does not 579  
apply to any such district after June 30, 2008, except as provided 580  
in division (D)(2) of section 3313.97 of the Revised Code. 581

(1) For any school building that fails to make adequate 582  
yearly progress for two consecutive school years, the district 583  
shall do all of the following: 584

(a) Provide written notification of the academic issues that 585  
resulted in the building's failure to make adequate yearly 586  
progress to the parent or guardian of each student enrolled in the 587  
building. The notification shall also describe the actions being 588  
taken by the district or building to improve the academic 589  
performance of the building and any progress achieved toward that 590  
goal in the immediately preceding school year. 591

(b) If the building receives funds under Title 1, Part A of 592  
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 593  
6311 to 6339, from the district, in accordance with section 594  
3313.97 of the Revised Code, offer all students enrolled in the 595  
building the opportunity to enroll in an alternative building 596  
within the district that is not in school improvement status as 597  
defined by the "No Child Left Behind Act of 2001." Notwithstanding 598  
Chapter 3327. of the Revised Code, the district shall spend an 599  
amount equal to twenty per cent of the funds it receives under 600  
Title I, Part A of the "Elementary and Secondary Education Act of 601  
1965," 20 U.S.C. 6311 to 6339, to provide transportation for 602  
students who enroll in alternative buildings under this division, 603  
unless the district can satisfy all demand for transportation with 604  
a lesser amount. If an amount equal to twenty per cent of the 605  
funds the district receives under Title I, Part A of the 606  
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 607

to 6339, is insufficient to satisfy all demand for transportation, 608  
the district shall grant priority over all other students to the 609  
lowest achieving students among the subgroup described in division 610  
(B)(3) of section 3302.01 of the Revised Code in providing 611  
transportation. Any district that does not receive funds under 612  
Title I, Part A of the "Elementary and Secondary Education Act of 613  
1965," 20 U.S.C. 6311 to 6339, shall not be required to provide 614  
transportation to any student who enrolls in an alternative 615  
building under this division. 616

(2) For any school building that fails to make adequate 617  
yearly progress for three consecutive school years, the district 618  
shall do both of the following: 619

(a) If the building receives funds under Title 1, Part A of 620  
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 621  
6311 to 6339, from the district, in accordance with section 622  
3313.97 of the Revised Code, provide all students enrolled in the 623  
building the opportunity to enroll in an alternative building 624  
within the district that is not in school improvement status as 625  
defined by the "No Child Left Behind Act of 2001." Notwithstanding 626  
Chapter 3327. of the Revised Code, the district shall provide 627  
transportation for students who enroll in alternative buildings 628  
under this division to the extent required under division (E)(2) 629  
of this section. 630

(b) If the building receives funds under Title 1, Part A of 631  
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 632  
6311 to 6339, from the district, offer supplemental educational 633  
services to students who are enrolled in the building and who are 634  
in the subgroup described in division (B)(3) of section 3302.01 of 635  
the Revised Code. 636

The district shall spend a combined total of an amount equal 637  
to twenty per cent of the funds it receives under Title I, Part A 638  
of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 639

6311 to 6339, to provide transportation for students who enroll in 640  
alternative buildings under division (E)(1)(b) or (E)(2)(a) of 641  
this section and to pay the costs of the supplemental educational 642  
services provided to students under division (E)(2)(b) of this 643  
section, unless the district can satisfy all demand for 644  
transportation and pay the costs of supplemental educational 645  
services for those students who request them with a lesser amount. 646  
In allocating funds between the requirements of divisions 647  
(E)(1)(b) and (E)(2)(a) and (b) of this section, the district 648  
shall spend at least an amount equal to five per cent of the funds 649  
it receives under Title I, Part A of the "Elementary and Secondary 650  
Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide 651  
transportation for students who enroll in alternative buildings 652  
under division (E)(1)(b) or (E)(2)(a) of this section, unless the 653  
district can satisfy all demand for transportation with a lesser 654  
amount, and at least an amount equal to five per cent of the funds 655  
it receives under Title I, Part A of the "Elementary and Secondary 656  
Education Act of 1965," 20 U.S.C. 6311 to 6339, to pay the costs 657  
of the supplemental educational services provided to students 658  
under division (E)(2)(b) of this section, unless the district can 659  
pay the costs of such services for all students requesting them 660  
with a lesser amount. If an amount equal to twenty per cent of the 661  
funds the district receives under Title I, Part A of the 662  
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 663  
to 6339, is insufficient to satisfy all demand for transportation 664  
under divisions (E)(1)(b) and (E)(2)(a) of this section and to pay 665  
the costs of all of the supplemental educational services provided 666  
to students under division (E)(2)(b) of this section, the district 667  
shall grant priority over all other students in providing 668  
transportation and in paying the costs of supplemental educational 669  
services to the lowest achieving students among the subgroup 670  
described in division (B)(3) of section 3302.01 of the Revised 671  
Code. 672

Any district that does not receive funds under Title I, Part 673  
A of the "Elementary and Secondary Education Act of 1965," 20 674  
U.S.C. 6311 to 6339, shall not be required to provide 675  
transportation to any student who enrolls in an alternative 676  
building under division (E)(2)(a) of this section or to pay the 677  
costs of supplemental educational services provided to any student 678  
under division (E)(2)(b) of this section. 679

No student who enrolls in an alternative building under 680  
division (E)(2)(a) of this section shall be eligible for 681  
supplemental educational services under division (E)(2)(b) of this 682  
section. 683

(3) For any school building that fails to make adequate 684  
yearly progress for four consecutive school years, the district 685  
shall continue to comply with division (E)(2) of this section and 686  
shall implement at least one of the following options with respect 687  
to the building: 688

(a) Institute a new curriculum that is consistent with the 689  
statewide academic standards adopted pursuant to division (A) of 690  
section 3301.079 of the Revised Code; 691

(b) Decrease the degree of authority the building has to 692  
manage its internal operations; 693

(c) Appoint an outside expert to make recommendations for 694  
improving the academic performance of the building. The district 695  
may request the department to establish a state intervention team 696  
for this purpose pursuant to division (G) of this section. 697

(d) Extend the length of the school day or year; 698

(e) Replace the building principal or other key personnel; 699

(f) Reorganize the administrative structure of the building. 700

(4) For any school building that fails to make adequate 701  
yearly progress for five consecutive school years, the district 702

shall continue to comply with division (E)(2) of this section and 703  
shall develop a plan during the next succeeding school year to 704  
improve the academic performance of the building, which shall 705  
include at least one of the following options: 706

(a) Reopen the school as a community school under Chapter 707  
3314. of the Revised Code; 708

(b) Replace personnel; 709

(c) Contract with a nonprofit or for-profit entity to operate 710  
the building; 711

(d) Turn operation of the building over to the department; 712

(e) Other significant restructuring of the building's 713  
governance. 714

(5) For any school building that fails to make adequate 715  
yearly progress for six consecutive school years, the district 716  
shall continue to comply with division (E)(2) of this section and 717  
shall implement the plan developed pursuant to division (E)(4) of 718  
this section. 719

(6) A district shall continue to comply with division 720  
(E)(1)(b) or (E)(2) of this section, whichever was most recently 721  
applicable, with respect to any building formerly subject to one 722  
of those divisions until the building makes adequate yearly 723  
progress for two consecutive school years. 724

(F) This division applies only to school districts that have 725  
been identified for improvement by the department pursuant to the 726  
"No Child Left Behind Act of 2001." It does not apply to any such 727  
district after June 30, 2008. 728

(1) If a school district has been identified for improvement 729  
for one school year, the district shall provide a written 730  
description of the continuous improvement plan developed by the 731  
district pursuant to division (B) of this section to the parent or 732



guardian of each student enrolled in the district. If the district 733  
does not have a continuous improvement plan, the district shall 734  
develop such a plan in accordance with division (B) of this 735  
section and provide a written description of the plan to the 736  
parent or guardian of each student enrolled in the district. 737

(2) If a school district has been identified for improvement 738  
for two consecutive school years, the district shall continue to 739  
implement the continuous improvement plan developed by the 740  
district pursuant to division (B) or (F)(1) of this section. 741

(3) If a school district has been identified for improvement 742  
for three consecutive school years, the department shall take at 743  
least one of the following corrective actions with respect to the 744  
district: 745

(a) Withhold a portion of the funds the district is entitled 746  
to receive under Title I, Part A of the "Elementary and Secondary 747  
Education Act of 1965," 20 U.S.C. 6311 to 6339; 748

(b) Direct the district to replace key district personnel; 749

(c) Institute a new curriculum that is consistent with the 750  
statewide academic standards adopted pursuant to division (A) of 751  
section 3301.079 of the Revised Code; 752

(d) Establish alternative forms of governance for individual 753  
school buildings within the district; 754

(e) Appoint a trustee to manage the district in place of the 755  
district superintendent and board of education. 756

The department shall conduct individual audits of a sampling 757  
of districts subject to this division to determine compliance with 758  
the corrective actions taken by the department. 759

(4) If a school district has been identified for improvement 760  
for four consecutive school years, the department shall continue 761  
to monitor implementation of the corrective action taken under 762

division (F)(3) of this section with respect to the district. 763

(5) If a school district has been identified for improvement 764  
for five consecutive school years, the department shall take at 765  
least one of the corrective actions identified in division (F)(3) 766  
of this section with respect to the district, provided that the 767  
corrective action the department takes is different from the 768  
corrective action previously taken under division (F)(3) of this 769  
section with respect to the district. 770

(G) The department may establish a state intervention team to 771  
evaluate all aspects of a school district or building, including 772  
management, curriculum, instructional methods, resource 773  
allocation, and scheduling. Any such intervention team shall be 774  
appointed by the department and shall include teachers and 775  
administrators recognized as outstanding in their fields. The 776  
intervention team shall make recommendations regarding methods for 777  
improving the performance of the district or building. 778

The department shall not approve a district's request for an 779  
intervention team under division (E)(3) of this section if the 780  
department cannot adequately fund the work of the team, unless the 781  
district agrees to pay for the expenses of the team. 782

(H) The department shall conduct individual audits of a 783  
sampling of community schools established under Chapter 3314. of 784  
the Revised Code to determine compliance with this section. 785

(I) The state board shall adopt rules for implementing this 786  
section. 787

**Sec. 3302.061.** (A) A school district board of education shall 788  
review each application received under section 3302.06 of the 789  
Revised Code and, within sixty days after receipt of the 790  
application, shall approve or disapprove the application. In 791  
reviewing applications, the board shall give preference to 792

applications that propose innovations in one or more of the	793
following areas:	794
(1) Curriculum;	795
(2) Student assessments, other than the assessments	796
prescribed by sections 3301.0710 and 3301.0712 of the Revised	797
Code;	798
(3) Class scheduling;	799
(4) Accountability measures, including innovations that	800
expand the number and variety of measures used in order to collect	801
more complete data about student academic performance. For this	802
purpose, schools may consider use of measures such as	803
end-of-course examinations, portfolios of student work, nationally	804
or internationally normed assessments, the percentage of students	805
enrolling in post-secondary education, or the percentage of	806
students simultaneously obtaining a high school diploma and an	807
associate's degree or certification to work in an industry or	808
career field.	809
(5) Provision of student services, including services for	810
students who are disabled, identified as gifted under Chapter	811
3324. of the Revised Code, limited English proficient, at risk of	812
academic failure or dropping out, or at risk of suspension or	813
expulsion;	814
(6) Provision of health, counseling, or other social services	815
to students;	816
(7) Preparation of students for transition to higher	817
education or the workforce;	818
(8) Teacher recruitment, employment, and evaluation;	819
(9) Compensation for school personnel;	820
(10) Professional development;	821

(11) School governance and the roles and responsibilities of principals; 822  
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(12) Use of financial or other resources. 824

(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. 825  
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(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. 831  
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(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 3311.78, 3317.14, or 3317.141 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 3311.82, 3319.081, or 3319.16 of the Revised Code. 836  
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(D) The board may do either of the following at any time: 849

(1) Designate a school as an innovation school by creating an innovation plan for that school and offering the school an opportunity to participate in the plan's creation; 850  
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(2) Designate as an innovation school zone two or more 853  
schools that share common interests based on factors such as 854  
geographical proximity or similar educational programs or that 855  
serve the same classes of students as they advance to higher grade 856  
levels, by creating an innovation plan for those schools and 857  
offering the schools an opportunity to participate in the plan's 858  
creation. 859

**Sec. 3307.01.** As used in this chapter: 860

(A) "Employer" means the board of education, school district, 861  
governing authority of any community school established under 862  
Chapter 3314. of the Revised Code, a science, technology, 863  
engineering, and mathematics school established under Chapter 864  
3326. of the Revised Code, college, university, institution, or 865  
other agency within the state by which a teacher is employed and 866  
paid. 867

(B) "Teacher" means all of the following: 868

(1) Any person paid from public funds and employed in the 869  
public schools of the state under any type of contract described 870  
in section 3311.77 or 3319.08 of the Revised Code in a position 871  
for which the person is required to have a license issued pursuant 872  
to sections 3319.22 to 3319.31 of the Revised Code; 873

(2) Any person employed as a teacher by a community school or 874  
a science, technology, engineering, and mathematics school 875  
pursuant to Chapter 3314. or 3326. of the Revised Code; 876

(3) Any person having a license issued pursuant to sections 877  
3319.22 to 3319.31 of the Revised Code and employed in a public 878  
school in this state in an educational position, as determined by 879  
the state board of education, under programs provided for by 880  
federal acts or regulations and financed in whole or in part from 881  
federal funds, but for which no licensure requirements for the 882

position can be made under the provisions of such federal acts or regulations; 883  
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(4) Any other teacher or faculty member employed in any school, college, university, institution, or other agency wholly controlled and managed, and supported in whole or in part, by the state or any political subdivision thereof, including Central state university, Cleveland state university, and the university of Toledo; 885  
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(5) The educational employees of the department of education, as determined by the state superintendent of public instruction. 891  
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In all cases of doubt, the state teachers retirement board shall determine whether any person is a teacher, and its decision shall be final. 893  
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"Teacher" does not include any eligible employee of a public institution of higher education, as defined in section 3305.01 of the Revised Code, who elects to participate in an alternative retirement plan established under Chapter 3305. of the Revised Code. 896  
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(C) "Member" means any person included in the membership of the state teachers retirement system, which shall consist of all teachers and contributors as defined in divisions (B) and (D) of this section and all disability benefit recipients, as defined in section 3307.50 of the Revised Code. However, for purposes of this chapter, the following persons shall not be considered members: 901  
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(1) A student, intern, or resident who is not a member while employed part-time by a school, college, or university at which the student, intern, or resident is regularly attending classes; 907  
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(2) A person denied membership pursuant to section 3307.24 of the Revised Code; 910  
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(3) An other system retirant, as defined in section 3307.35 912

of the Revised Code, or a superannuate;	913
(4) An individual employed in a program established pursuant to the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29 U.S.C.A. 1501.	914 915 916
(D) "Contributor" means any person who has an account in the teachers' savings fund or defined contribution fund.	917 918
(E) "Beneficiary" means any person eligible to receive, or in receipt of, a retirement allowance or other benefit provided by this chapter.	919 920 921
(F) "Year" means the year beginning the first day of July and ending with the thirtieth day of June next following, except that for the purpose of determining final average salary under the plan described in sections 3307.50 to 3307.79 of the Revised Code, "year" may mean the contract year.	922 923 924 925 926
(G) "Local district pension system" means any school teachers pension fund created in any school district of the state in accordance with the laws of the state prior to September 1, 1920.	927 928 929
(H) "Employer contribution" means the amount paid by an employer, as determined by the employer rate, including the normal and deficiency rates, contributions, and funds wherever used in this chapter.	930 931 932 933
(I) "Five years of service credit" means employment covered under this chapter and employment covered under a former retirement plan operated, recognized, or endorsed by a college, institute, university, or political subdivision of this state prior to coverage under this chapter.	934 935 936 937 938
(J) "Actuary" means the actuarial consultant to the state teachers retirement board, who shall be either of the following:	939 940
(1) A member of the American academy of actuaries;	941
(2) A firm, partnership, or corporation of which at least one	942

person is a member of the American academy of actuaries.	943
(K) "Fiduciary" means a person who does any of the following:	944
(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;	945 946 947
(2) Renders investment advice for a fee, direct or indirect, with respect to money or property of the system;	948 949
(3) Has any discretionary authority or responsibility in the administration of the system.	950 951
(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.	952 953 954 955 956 957 958 959 960 961
(2) Compensation does not include any of the following:	962
(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;	963 964 965 966
(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;	967 968 969
(c) Payments made for vacation pay covering concurrent periods for which other salary, compensation, or benefits under this chapter are paid;	970 971 972



(d) Amounts paid by the employer to provide life insurance,	973
sickness, accident, endowment, health, medical, hospital, dental,	974
or surgical coverage, or other insurance for the teacher or the	975
teacher's family, or amounts paid by the employer to the teacher	976
in lieu of providing the insurance;	977
(e) Incidental benefits, including lodging, food, laundry,	978
parking, or services furnished by the employer, use of the	979
employer's property or equipment, and reimbursement for	980
job-related expenses authorized by the employer, including moving	981
and travel expenses and expenses related to professional	982
development;	983
(f) Payments made by the employer in exchange for a member's	984
waiver of a right to receive any payment, amount, or benefit	985
described in division (L)(2) of this section;	986
(g) Payments by the employer for services not actually	987
rendered;	988
(h) Any amount paid by the employer as a retroactive increase	989
in salary, wages, or other earnings, unless the increase is one of	990
the following:	991
(i) A retroactive increase paid to a member employed by a	992
school district board of education in a position that requires a	993
license designated for teaching and not designated for being an	994
administrator issued under section 3319.22 of the Revised Code	995
that is paid in accordance with uniform criteria applicable to all	996
members employed by the board in positions requiring the licenses;	997
(ii) A retroactive increase paid to a member employed by a	998
school district board of education in a position that requires a	999
license designated for being an administrator issued under section	1000
3319.22 of the Revised Code that is paid in accordance with	1001
uniform criteria applicable to all members employed by the board	1002
in positions requiring the licenses;	1003

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

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

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

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

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

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

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

(b) Whether any form of earnings not enumerated in this division is to be included in compensation.

Decisions of the board made under this division shall be 1034  
final. 1035

(M) "Superannuate" means both of the following: 1036

(1) A former teacher receiving from the system a retirement 1037  
allowance under section 3307.58 or 3307.59 of the Revised Code; 1038

(2) A former teacher receiving a benefit from the system 1039  
under a plan established under section 3307.81 of the Revised 1040  
Code, except that "superannuate" does not include a former teacher 1041  
who is receiving a benefit based on disability under a plan 1042  
established under section 3307.81 of the Revised Code. 1043

For purposes of sections 3307.35 and 3307.353 of the Revised 1044  
Code, "superannuate" also means a former teacher receiving from 1045  
the system a combined service retirement benefit paid in 1046  
accordance with section 3307.57 of the Revised Code, regardless of 1047  
which retirement system is paying the benefit. 1048

**Sec. 3311.71.** (A) As used in this section and in sections 1049  
3311.72 to ~~3311.76~~ 3311.86 of the Revised Code: 1050

(1) "Municipal school district" means a school district that 1051  
is or has ever been under a federal court order requiring 1052  
supervision and operational, fiscal, and personnel management of 1053  
the district by the state superintendent of public instruction. 1054

(2) "Mayor" means the mayor of the municipal corporation 1055  
containing the greatest portion of a municipal school district's 1056  
territory. 1057

(B) Whenever any municipal school district is released by a 1058  
federal court from an order requiring supervision and operational, 1059  
fiscal, and personnel management of the district by the state 1060  
superintendent, the management and control of that district shall 1061  
be assumed, effective immediately, by a new nine-member board of 1062  
education. Members of the new board shall be appointed by the 1063

mayor, who shall also designate one member as the chairperson of 1064  
the board. In addition to the rights, authority, and duties 1065  
conferred upon the chairperson by sections 3311.71 to ~~3311.76~~ 1066  
3311.86 of the Revised Code, the chairperson shall have all the 1067  
rights, authority, and duties conferred upon the president of a 1068  
board of education by the Revised Code that are not inconsistent 1069  
with sections 3311.71 to ~~3311.76~~ 3311.86 of the Revised Code. 1070

(C) No school board member shall be appointed by the mayor 1071  
pursuant to division (B) of this section until the mayor has 1072  
received a slate of at least eighteen candidates nominated by a 1073  
municipal school district nominating panel, at least three of whom 1074  
reside in the municipal school district but not in the municipal 1075  
corporation containing the greatest portion of the district's 1076  
territory. The municipal school district nominating panel shall be 1077  
initially convened and chaired by the state superintendent of 1078  
public instruction, who shall serve as a nonvoting member for the 1079  
first two years of the panel's existence, and shall consist of 1080  
eleven persons selected as follows: 1081

(1) Three parents or guardians of children attending the 1082  
schools of the municipal school district appointed by the district 1083  
parent-teacher association, or similar organization selected by 1084  
the state superintendent; 1085

(2) Three persons appointed by the mayor; 1086

(3) One person appointed by the president of the legislative 1087  
body of the municipal corporation containing the greatest portion 1088  
of the municipal school district's territory; 1089

(4) One teacher appointed by the collective bargaining 1090  
representative of the school district's teachers; 1091

(5) One principal appointed through a vote of the school 1092  
district's principals, which vote shall be conducted by the state 1093  
superintendent; 1094

(6) One representative of the business community appointed by 1095  
an organized collective business entity selected by the mayor; 1096

(7) One president of a public or private institution of 1097  
higher education located within the municipal school district 1098  
appointed by the state superintendent of public instruction. 1099

The municipal school district nominating panel shall select 1100  
one of its members as its chairperson commencing two years after 1101  
the date of the first meeting of the panel, at which time the 1102  
state superintendent of public instruction shall no longer convene 1103  
or chair the panel. Thereafter, the panel shall meet as necessary 1104  
to make nominations at the call of the chairperson. All members of 1105  
the panel shall serve at the pleasure of the appointing authority. 1106  
Vacancies on the panel shall be filled in the same manner as the 1107  
initial appointments. 1108

(D) No individual shall be appointed by the mayor pursuant to 1109  
division (B) or (F) of this section unless the individual has been 1110  
nominated by the nominating panel, resides in the school district, 1111  
and holds no elected public office. At any given time, four of the 1112  
nine members appointed by the mayor to serve on the board pursuant 1113  
to either division (B) or (F) of this section shall have 1114  
displayed, prior to appointment, significant expertise in either 1115  
the education field, finance, or business management. At all times 1116  
at least one member of the board shall be an individual who 1117  
resides in the municipal school district but not in the municipal 1118  
corporation containing the greatest portion of the district's 1119  
territory. 1120

(E) The terms of office of all members appointed by the mayor 1121  
pursuant to division (B) of this section shall expire on the next 1122  
thirtieth day of June following the referendum election required 1123  
by section 3311.73 of the Revised Code. The mayor may, with the 1124  
advice and consent of the nominating panel, remove any member 1125  
appointed pursuant to that division or division (F) of this 1126

section for cause. 1127

(F) If the voters of the district approve the continuation of 1128  
an appointed board at the referendum election required by section 1129  
3311.73 of the Revised Code, the mayor shall appoint the members 1130  
of a new board from a slate prepared by the nominating panel in 1131  
the same manner as the initial board was appointed pursuant to 1132  
divisions (B), (C), and (D) of this section. Five of the members 1133  
of the new board shall be appointed to four-year terms and the 1134  
other four shall be appointed to two-year terms, each term 1135  
beginning on the first day of July. Thereafter, the mayor shall 1136  
appoint members to four-year terms in the same manner as described 1137  
in divisions (B), (C), and (D) of this section. The minimum number 1138  
of individuals who shall be on the slate prepared by the 1139  
nominating panel for this purpose shall be at least twice the 1140  
number of members to be appointed, including at least two who 1141  
reside in the municipal school district but not in the municipal 1142  
corporation containing the greatest portion of the district's 1143  
territory. 1144

(G) In addition to the nine members appointed by the mayor, 1145  
the boards appointed pursuant to divisions (B) and (F) of this 1146  
section shall include the following nonvoting ex officio members: 1147

(1) If the main campus of a state university specified in 1148  
section 3345.011 of the Revised Code is located within the 1149  
municipal school district, the president of the university or the 1150  
president's designee; 1151

(2) If any community college has its main branch located 1152  
within the district, the president of the community college that 1153  
has the largest main branch within the district, or the 1154  
president's designee. 1155

**Sec. 3311.72.** This section does not apply to any principal, 1156  
assistant principal, or other administrator who is employed to 1157

perform administrative functions primarily within one school building. 1158  
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(A) On the effective date of the assumption of control of a municipal school district by the new board of education pursuant to division (B) of section 3311.71 of the Revised Code, the treasurer, business manager, superintendent, assistant superintendents, and other administrators of the school district shall submit their resignations to the board. As used in this section, "other administrator" has the same meaning as in section 3319.02 of the Revised Code. 1160  
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(B) Notwithstanding Chapter 3319. of the Revised Code: 1168

(1) Until thirty months after the date of the assumption of control of a municipal school district by a board pursuant to division (B) of section 3311.71 of the Revised Code, the mayor shall appoint the chief executive officer and fill any vacancies occurring in that position. 1169  
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(2) After the board appointed pursuant to division (B) of section 3311.71 of the Revised Code has been in control of a municipal school district for thirty months, the mayor shall appoint the chief executive officer and fill any vacancies occurring in that position, with the concurrence of the board. 1174  
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(3) After the first date of the assumption of control of a municipal school district by a board pursuant to division (F) of section 3311.71 of the Revised Code, the board shall appoint the chief executive officer and fill any vacancies occurring in that position, with the concurrence of the mayor. 1179  
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(4) An individual appointed to the position of chief executive officer under division (B)(1), (2), or (3) of this section shall have a contract with the school district that includes such terms and conditions of employment as are agreeable to the board and the appointee, except that each such contract 1184  
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shall contain a provision stating that, unless the individual 1189  
chooses to terminate the contract at a prior time: 1190

(a) During the first thirty months after the date of the 1191  
assumption of control of the municipal school district by the 1192  
board pursuant to division (B) of section 3311.71 of the Revised 1193  
Code, the individual will serve at the pleasure of the mayor; 1194

(b) Beginning thirty months after the date of assumption of 1195  
control, the individual will serve at the pleasure of the board, 1196  
with the mayor's concurrence required for removal. 1197

(c) The chief executive officer shall appoint a chief 1198  
financial officer, a chief academic officer, a chief operating 1199  
officer, and a chief communications officer and any other 1200  
administrators for the district as the chief executive officer 1201  
shall determine to be necessary. The chief executive officer shall 1202  
also appoint ombudspersons who shall answer questions and seek to 1203  
resolve problems and concerns raised by parents and guardians of 1204  
children attending district schools. The chief executive officer 1205  
shall appoint a sufficient number of ombudspersons to serve the 1206  
needs of the parents and guardians. 1207

A municipal school district is not required to have a 1208  
superintendent appointed pursuant to section 3319.01 of the 1209  
Revised Code or a treasurer elected pursuant to section 3313.22 of 1210  
the Revised Code. In addition to the rights, authority, and duties 1211  
conferred upon the chief executive officer and chief financial 1212  
officer in sections 3311.71 to ~~3311.76~~ 3311.86 of the Revised 1213  
Code, the chief executive officer and the chief financial officer 1214  
shall have all of the rights, authority, and duties conferred upon 1215  
the superintendent of a school district and the treasurer of a 1216  
board of education, respectively, by the Revised Code that are not 1217  
inconsistent with sections 3311.71 to ~~3311.76~~ 3311.86 of the 1218  
Revised Code. 1219



(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)(1) 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 the district's schools to attend, prior to the fifteenth day of December each year, at least one

parent-teacher conference or similar event held by the school the 1251  
student attends to provide an opportunity for the parents and 1252  
guardians to meet the student's teachers, discuss expectations for 1253  
the student, discuss the student's performance, and foster 1254  
communication between home and school. 1255

(2) Where measurements demonstrate that students in 1256  
particular schools are not achieving, or are not improving their 1257  
achievement levels at an acceptable rate, the plan shall contain 1258  
provisions requiring the chief executive officer, with the 1259  
concurrence of the board, to take corrective action within those 1260  
schools, including, but not limited to, reallocation of academic 1261  
and financial resources, reassignment of staff, redesign of 1262  
academic program, programs, adjusting the length of the school 1263  
year or school day, and deploying additional assistance to 1264  
students. 1265

(3) Prior to taking corrective action pursuant to the plan, 1266  
the chief executive officer shall first identify which schools are 1267  
in need of corrective action, what corrective action is warranted 1268  
at each school, and when the corrective action should be 1269  
implemented. Collectively, these items shall be known as the 1270  
"corrective plan." The corrective plan is not intended to be used 1271  
as a cost savings measure; rather, it is intended to improve 1272  
student performance at targeted schools. 1273

Immediately after developing the corrective plan, the chief 1274  
executive officer and the presiding officer of each labor 1275  
organization whose members will be affected by the corrective plan 1276  
shall each appoint up to four individuals to form one or more 1277  
corrective action teams. The corrective action teams, within the 1278  
timelines set by the chief executive officer for implementation of 1279  
the corrective plan, shall collaborate with the chief executive 1280  
officer and, where there are overlapping or mutual concerns, with 1281  
other corrective action teams to make recommendations to the chief 1282

executive officer on implementation of the corrective plan. 1283

If the chief executive officer disagrees with all or part of 1284  
the recommendations of a corrective action team, or if a 1285  
corrective action team fails to make timely recommendations on the 1286  
implementation of all or part of the corrective plan, the chief 1287  
executive officer may implement the corrective plan in the manner 1288  
in which the chief executive officer determines to be in the best 1289  
interest of the students, consistent with the timelines originally 1290  
established. 1291

The chief executive officer and any corrective action team 1292  
are not bound by the applicable provisions of collective 1293  
bargaining agreements in developing recommendations for and 1294  
implementing the corrective plan. 1295

(4) Notwithstanding anything to the contrary in Chapter 4117. 1296  
of the Revised Code, the content and implementation of the 1297  
corrective plan prevail over any conflicting provision of a 1298  
collective bargaining agreement entered into on or after the 1299  
effective date of this amendment. 1300

(C) Annually the chief executive officer shall issue a report 1301  
to residents of the district that includes results of achievement 1302  
measurements made under division (B)(1) of this section and 1303  
delineates the nature of any reforms and corrective actions being 1304  
taken in response to any failure to achieve at an acceptable level 1305  
or rate. The report shall also contain descriptions of efforts 1306  
undertaken to improve the overall quality or efficiency of 1307  
operation of the district, shall list the source of all district 1308  
revenues, and shall contain a description of all district 1309  
expenditures during the preceding fiscal year. 1310

(D) The chief executive officer shall implement a public 1311  
awareness campaign to keep the parents and guardians of the 1312  
district's students informed of the changes being implemented 1313

within the district. The campaign may include such methods as 1314  
community forums, letters, and brochures. It shall include annual 1315  
distribution to all parents and guardians of an information card 1316  
specifying the names and business addresses and telephone numbers 1317  
of the ombudspersons appointed under section 3311.72 of the 1318  
Revised Code and other employees of the district board of 1319  
education who may serve as information resources for parents and 1320  
guardians. 1321

**Sec. 3311.76.** (A) Notwithstanding Chapters 3302. and 3317. of 1322  
the Revised Code, upon written request of the district chief 1323  
executive officer, the state superintendent of public instruction 1324  
may exempt a municipal school district from any ~~rules adopted~~ 1325  
~~under requirement of~~ Title XXXIII of the Revised Code or any rule 1326  
adopted under that title, except for any requirement of or rule 1327  
adopted under Chapter 3307. or 3309., any of sections 3319.07 to 1328  
3319.21 that apply to a municipal school district, or Chapter 1329  
3323. of the Revised Code, and may authorize a municipal school 1330  
district to apply funds allocated to the district under Chapter 1331  
3317. of the Revised Code, except those specifically allocated to 1332  
purposes other than current expenses, to the payment of debt 1333  
charges on the district's public obligations. The request must 1334  
specify the ~~provisions~~ requirements or rules from which the 1335  
district is seeking exemption or the application requested and the 1336  
reasons for the request. The state superintendent shall approve 1337  
the request if the superintendent finds the requested exemption or 1338  
application is in the best interest of the district's students. 1339  
The superintendent shall approve or disapprove the request within 1340  
thirty days and shall notify the district board and the district 1341  
chief executive officer of approval or reasons for disapproving 1342  
the request. 1343

(B) In addition to the rights, authority, and duties 1344  
conferred upon a municipal school district and its board of 1345

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 teacher under a limited contract or extended limited contract, or under a continuing contract pursuant to division (E) of this section, and the teacher accepts such employment, the failure of such parties to execute a written contract shall not void such

employment contract. 1377

(B) Teachers shall be paid for all time lost when the schools 1378  
in which they are employed are closed due to an epidemic or other 1379  
public calamity, and for time lost due to illness or otherwise for 1380  
not less than five days annually as authorized by regulations 1381  
which the board shall adopt. 1382

(C) The term of a limited contract for a teacher shall not 1383  
exceed the following: 1384

(1) Five years, in the case of a contract entered into prior 1385  
to the effective date of this section; 1386

(2) A term as authorized in division (D) of this section, in 1387  
the case of a contract entered into on or after the effective date 1388  
of this section. 1389

(D) The term of an initial limited contract for a teacher 1390  
described in division (C)(2) of this section shall not exceed two 1391  
years. Any subsequent limited contract entered into with that 1392  
teacher shall not exceed five years. 1393

(E) A continuing contract is a contract that remains in 1394  
effect until the teacher resigns, elects to retire, or is retired 1395  
pursuant to former section 3307.37 of the Revised Code, or until 1396  
it is terminated or suspended and shall be granted only to 1397  
teachers who have provided notice of their eligibility by the 1398  
fifteenth day of September of the year the teacher becomes 1399  
eligible for a continuing contract and who have met one of the 1400  
following criteria: 1401

(1) The teacher holds a professional, permanent, or life 1402  
teacher's certificate; 1403

(2) The teacher meets the following conditions: 1404

(a) The teacher was initially issued a teacher's certificate 1405  
or educator license prior to January 1, 2011. 1406

(b) The teacher holds a professional educator license issued under section 3319.22 or 3319.222 or former section 3319.22 of the Revised Code or a senior professional educator license or lead professional educator license issued under section 3319.22 of the Revised Code.

(c) The teacher has completed the applicable one of the following:

(i) If the teacher did not hold a master's degree at the time of initially receiving a teacher's certificate under former law or an educator license, thirty semester hours of coursework in the area of licensure or in an area related to the teaching field since the initial issuance of such certificate or license, as specified in rules which the state board of education shall adopt;

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

(3) The teacher meets the following conditions:

(a) The teacher never held a teacher's certificate and was initially issued an educator license on or after January 1, 2011.

(b) The teacher holds a professional educator license, senior professional educator license, or lead professional educator license issued under section 3319.22 of the Revised Code.

(c) The teacher has held an educator license for at least seven years.

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

(i) If the teacher did not hold a master's degree at the time

of initially receiving an educator license, thirty semester hours 1437  
of coursework in the area of licensure or in an area related to 1438  
the teaching field since the initial issuance of that license, as 1439  
specified in rules which the state board shall adopt; 1440

(ii) If the teacher held a master's degree at the time of 1441  
initially receiving an educator license, six semester hours of 1442  
graduate coursework in the area of licensure or in an area related 1443  
to the teaching field since the initial issuance of that license, 1444  
as specified in rules which the state board shall adopt. 1445

(F) Nothing in division (E) of this section shall be 1446  
construed to void or otherwise affect a continuing contract 1447  
entered into prior to the effective date of this section. 1448

(G) Notwithstanding any provision to the contrary in Chapter 1449  
4117. of the Revised Code: 1450

(1) The requirements of division (D)(3) of section 3319.08 of 1451  
the Revised Code prevail over any conflicting provisions of a 1452  
collective bargaining agreement entered into between October 16, 1453  
2009, and the effective date of this section. 1454

(2) The requirements of this section prevail over any 1455  
conflicting provisions of a collective bargaining agreement 1456  
entered into on or after the effective date of this section. 1457

(H) Wherever the term "educator license" is used in this 1458  
section without reference to a specific type of educator license, 1459  
the term does not include an educator license for substitute 1460  
teaching issued under section 3319.226 of the Revised Code. 1461

**Sec. 3311.78.** Notwithstanding any provision of the Revised 1462  
Code to the contrary, a municipal school district shall be subject 1463  
to this section instead of sections 3317.13, 3317.14, and 3317.141 1464  
of the Revised Code. 1465

(A) As used in this section, "principal" includes an 1466



assistant principal. 1467

(B) The board of education of each municipal school district 1468  
annually shall adopt a differentiated salary schedule for teachers 1469  
based upon performance as described in division (D) of this 1470  
section. The board also annually shall adopt a differentiated 1471  
salary schedule for principals based upon performance as described 1472  
in division (D) of this section. 1473

For each teacher or principal hired on or after the effective 1474  
date of this section, the board shall determine the teacher's or 1475  
principal's initial placement on the applicable salary schedule 1476  
based on years of experience and area of licensure and any other 1477  
factors the board considers appropriate. For each teacher hired 1478  
prior to the effective date of this section, the board shall 1479  
initially place the teacher on the applicable salary schedule so 1480  
that the teacher's annual salary on the schedule is comparable to 1481  
the teacher's annual salary for the school year immediately prior 1482  
to the school year covered by the schedule. For each principal 1483  
hired prior to the effective date of this section, the board shall 1484  
initially place the principal on the applicable salary schedule 1485  
consistent with the principal's employment contract. 1486

(C) The salary of a teacher shall not be reduced unless such 1487  
reduction is accomplished as part of a negotiated collective 1488  
bargaining agreement. The salary of a principal shall not be 1489  
reduced during the term of the principal's employment contract 1490  
unless such reduction is by mutual agreement of the board and the 1491  
principal or is part of a uniform plan affecting the entire 1492  
district. 1493

(D) For purposes of the schedules, the board shall measure a 1494  
teacher's or principal's performance by considering all of the 1495  
following: 1496

(1) The level of license issued under section 3319.22 of the 1497



proficient. Notwithstanding division (C) of this section, division 1529  
(C) of section 3319.02, and section 3319.12 of the Revised Code, 1530  
the board may decrease the teacher's or principal's salary if the 1531  
teacher or principal will perform fewer or different duties 1532  
described in division (E) of this section in the school year for 1533  
which the salary is decreased. 1534

(G) Notwithstanding any provision to the contrary in Chapter 1535  
4117. of the Revised Code, the requirements of this section 1536  
prevail over any conflicting provisions of a collective bargaining 1537  
agreement entered into on or after the effective date of this 1538  
section. However, the board and the teachers' labor organization 1539  
shall negotiate the implementation of the differentiated salary 1540  
schedule for teachers and may negotiate additional factors 1541  
regarding teacher salaries, provided those factors are consistent 1542  
with this section. 1543

**Sec. 3311.79.** (A) When assigning teachers to schools of a 1544  
municipal school district prior to the start of a school year, 1545  
teachers may apply for open positions. All applicants shall be 1546  
considered. Applicants may be interviewed by a building level team 1547  
comprised of the building principal, a representative of the 1548  
district teachers' labor organization, a parent, a staff member in 1549  
the same job classification as the posted position, and any other 1550  
members mutually agreed upon by the principal and the labor 1551  
organization representative. When openings occur, the principal 1552  
and labor organization representative shall mutually select the 1553  
members of the building level team. Interviews by the building 1554  
level team shall not be delayed due to the unavailability of duly 1555  
notified team members. The team shall make recommendations whether 1556  
to assign a teacher to an open position in the building based on 1557  
how suitably the teacher's credentials fulfill the needs of the 1558  
particular school. For this purpose, the building level team shall 1559  
consider the following credentials: 1560

<u>(1) The level of license issued under section 3319.22 of the Revised Code that the teacher holds;</u>	1561
	1562
<u>(2) The number of subject areas the teacher is licensed to teach;</u>	1563
	1564
<u>(3) Whether the teacher is a highly qualified teacher, as defined in section 3319.074 of the Revised Code;</u>	1565
	1566
<u>(4) The results of the teacher's performance evaluations conducted under section 3311.80 of the Revised Code;</u>	1567
	1568
<u>(5) Whether the teacher has recently taught and been evaluated in the subject areas the teacher would teach at the school;</u>	1569
	1570
	1571
<u>(6) Any specialized training or experience the teacher possesses that are relevant to the open position;</u>	1572
	1573
<u>(7) Any other credentials established by the district chief executive officer or a building level team.</u>	1574
	1575
<u>(B) The building level team shall make its recommendations to the district chief executive officer or the chief executive officer's designee for the chief executive officer's or designee's final approval of the assignment.</u>	1576
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<u>(C) In the event that open positions in one or more school buildings have not been filled through the procedures set forth in divisions (A) and (B) of this section, or if the building level team has not been able to reach a consensus on a candidate, by ten days prior to the first work day for teachers 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 best interests of the district. In making an assignment under this division, the chief executive officer or the chief executive officer's designee shall take into consideration all input from the building level team members.</u>	1580
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(D) In the event that a position opens 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 the open position. If any positions remain open, or if the building level team has not been able to reach a consensus on a candidate, after a reasonable period of time as determined by the chief executive officer or the chief executive officer's designee, the chief executive officer or the chief executive officer's designee shall assign teachers to any of those open positions based on the best interests of the district. In making an assignment under this division, the chief executive officer or the chief executive officer's designee shall take into consideration all input from the building level team members.

(E) In the event it becomes necessary to assign, reassign, or transfer a teacher, whether voluntarily or involuntarily on the part of the teacher, for the purpose of promoting the best interests of the district, the chief executive officer or the chief executive officer's designee shall first meet with the teacher, the principals of the affected buildings, and a representative of the district teachers' labor organization. The assignment, reassignment, or transfer shall not be delayed due to the unavailability of the meeting participants who have been duly notified.

(F) 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.

(G) 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. However, the board and the teachers' labor organization 1623  
shall negotiate regarding the implementation of this section, 1624  
including the processes by which each building level team conducts 1625  
its interviews and makes recommendations, consistent with this 1626  
section. 1627

Sec. 3311.80. Notwithstanding any provision of the Revised 1628  
Code to the contrary, a municipal school district shall be subject 1629  
to this section instead of section 3319.111 of the Revised Code. 1630

(A) Not later than July 1, 2013, the board of education of 1631  
each municipal school district and the teachers' labor 1632  
organization shall develop and adopt standards-based teacher 1633  
evaluation procedures that conform with the framework for 1634  
evaluation of teachers developed under section 3319.112 of the 1635  
Revised Code. The evaluation procedures shall include at least 1636  
formal observations and classroom walk-throughs, which may be 1637  
announced or unannounced; examinations of samples of work, such as 1638  
lesson plans or assessments designed by a teacher; and multiple 1639  
measures of student academic growth. 1640

(B) When using measures of student academic growth as a 1641  
component of a teacher's evaluation, those measures shall include 1642  
the value-added progress dimension prescribed by section 3302.021 1643  
of the Revised Code. For teachers of grade levels and subjects for 1644  
which the value-added progress dimension is not applicable, the 1645  
board shall administer assessments on the list developed under 1646  
division (B)(2) of section 3319.112 of the Revised Code. 1647

(C)(1) Each teacher employed by the board shall be evaluated 1648  
at least once each school year, except as provided in division 1649  
(C)(2) of this section. The composite evaluation shall be 1650  
completed not later than the first day of June and the teacher 1651  
shall receive a written report of the results of the composite 1652  
evaluation not later than ten days after its completion or the 1653

last teacher work day of the school year, whichever is earlier. 1654

(2) Each teacher who received a rating of accomplished on the 1655  
teacher's most recent evaluation conducted under this section may 1656  
be evaluated once every two school years, except that the teacher 1657  
shall be evaluated in any school year in which the teacher's 1658  
contract is due to expire. The biennial composite evaluation shall 1659  
be completed not later than the first day of June of the 1660  
applicable school year, and the teacher shall receive a written 1661  
report of the results of the composite evaluation not later than 1662  
ten days after its completion or the last teacher work day of the 1663  
school year, whichever is earlier. 1664

(D) Each evaluation conducted pursuant to this section shall 1665  
be conducted by one or more of the following persons who have been 1666  
trained to conduct evaluations in accordance with criteria that 1667  
shall be developed jointly by the chief executive officer of the 1668  
district, or the chief executive officer's designee, and the 1669  
teachers' labor organization: 1670

(1) The chief executive officer or a subordinate officer of 1671  
the district with responsibility for instruction or academic 1672  
affairs; 1673

(2) A person who is under contract with the board pursuant to 1674  
section 3319.02 of the Revised Code and holds a license designated 1675  
for being a principal issued under section 3319.22 of the Revised 1676  
Code; 1677

(3) A person who is under contract with the board pursuant to 1678  
section 3319.02 of the Revised Code and holds a license designated 1679  
for being a vocational director or a supervisor in any educational 1680  
area issued under section 3319.22 of the Revised Code; 1681

(4) A person designated to conduct evaluations under an 1682  
agreement providing for peer assistance and review entered into by 1683  
the board and the teachers' labor organization. 1684

(E) The evaluation procedures shall describe how the evaluation results will be used for decisions regarding compensation, retention, promotion, and reductions in force and for removal of poorly performing teachers.

(F) A teacher may challenge any violations of the evaluation procedures in accordance with the grievance procedure specified in any applicable collective bargaining agreement. A challenge under this division is limited to the determination of procedural errors that have resulted in substantive harm to the teacher and to ordering the correction of procedural errors. The failure of the board or a person conducting an evaluation to strictly comply with any deadline or evaluation forms established as part of the evaluation process shall not be cause for an arbitrator to determine that a procedural error occurred, unless the arbitrator finds that the failure resulted in substantive harm to the teacher. The arbitrator shall have no jurisdiction to modify the evaluation results, but the arbitrator may stay any decision taken pursuant to division (E) of this section pending the board's correction of any procedural error. The board shall correct any procedural error within fifteen business days after the arbitrator's determination that a procedural error occurred.

(G) 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. However, the board and the teachers' labor organization may negotiate additional evaluation procedures, including an evaluation process incorporating peer assistance and review, provided the procedures are consistent with this section.

(H) This section does not apply to administrators appointed by the chief executive officer of a municipal school district under section 3311.72 of the Revised Code, administrators subject



to evaluation procedures under section 3311.84 or 3319.02 of the 1717  
Revised Code, or to any teacher employed as a substitute for less 1718  
than one hundred twenty days during a school year pursuant to 1719  
section 3319.10 of the Revised Code. 1720

**Sec. 3311.81.** Notwithstanding any provision of the Revised 1721  
Code to the contrary, a municipal school district shall be subject 1722  
to this section instead of section 3319.11 of the Revised Code. 1723

(A) As used in this section: 1724

(1) "Evaluation procedures" means the procedures adopted 1725  
pursuant to division (A) of section 3311.80 of the Revised Code. 1726

(2) "Limited contract" means a limited contract, as described 1727  
in section 3311.77 of the Revised Code, that the board of 1728  
education of a municipal school district enters into with a 1729  
teacher who is not eligible for a continuing contract. 1730

(3) "Extended limited contract" means a limited contract, as 1731  
described in section 3311.77 of the Revised Code, that the board 1732  
enters into with a teacher who is eligible for a continuing 1733  
contract, but to whom a continuing contract has not been granted 1734  
by the board. 1735

(B) The board of education of each municipal school district 1736  
shall enter into a limited contract with each teacher employed by 1737  
the board who is not eligible to be considered for a continuing 1738  
contract. 1739

Any teacher employed under a limited contract who is not 1740  
eligible to be considered for a continuing contract is, at the 1741  
expiration of such limited contract, considered re-employed under 1742  
a one-year limited contract, unless the board gives such teacher 1743  
written notice of its intention not to re-employ such teacher on 1744  
or before the first day of June. The teacher is presumed to have 1745  
accepted such employment unless the teacher notifies the board in 1746

writing to the contrary on or before the tenth day of July. 1747

Any teacher receiving a written notice of the intention of 1748  
the board not to re-employ such teacher pursuant to this division 1749  
is entitled to a hearing under division (C) of this section. 1750

(C) Any teacher receiving written notice of the intention of 1751  
the board not to re-employ such teacher pursuant to division (B) 1752  
of this section may request a hearing before the board. The 1753  
request for a hearing shall be in writing and shall be delivered 1754  
to the chief financial officer of the district within ten days of 1755  
the date of receipt of the notice. The hearing shall be held in 1756  
executive session of the board at the board's next scheduled 1757  
meeting. Following the hearing, or if no hearing is requested, the 1758  
board shall act on the question of the teacher's re-employment. 1759  
The decision of the board shall be final and shall not be subject 1760  
to further appeal. 1761

(D)(1) Upon the recommendation of the chief executive officer 1762  
that a teacher be re-employed where the teacher satisfies the 1763  
criteria in division (E) of section 3311.77 of the Revised Code 1764  
and has taught in the district for at least three years, or at 1765  
least two years in the case of a teacher who received a continuing 1766  
contract elsewhere, the board shall enter into a continuing 1767  
contract with the teacher, unless the board by a three-fourths 1768  
vote of its full membership rejects the recommendation of the 1769  
chief executive officer. If the board rejects the recommendation, 1770  
or if the chief executive officer recommends that the teacher not 1771  
be re-employed, the board may proceed not to renew the teacher's 1772  
contract in accordance with this section as if the teacher was not 1773  
eligible to be considered for a continuing contract. 1774

(2) In the event the chief executive officer does not 1775  
recommend to the board that a teacher receive a continuing 1776  
contract where the teacher satisfies the criteria in division (E) 1777  
of section 3311.77 of the Revised Code and has taught in the 1778

district for at least three years, or at least two years in the 1779  
case of a teacher who received a continuing contract elsewhere, 1780  
the chief executive officer may recommend to the board that the 1781  
teacher receive an extended limited contract. In that event, the 1782  
chief executive officer, or the chief executive officer's 1783  
designee, shall provide the teacher written notice, not less than 1784  
five business days prior to any board action on the 1785  
recommendation, with reasons directed at professional development. 1786  
The board shall act on the recommendation for an extended limited 1787  
contract with reasons directed at professional development not 1788  
later than the first day of June. An extended limited contract may 1789  
be issued: 1790

(a) For a teacher who has been awarded a continuing contract 1791  
in another school district and has served in the municipal school 1792  
district for two years, in one-year increments or for multiple 1793  
years, in no event to exceed a total of two years; 1794

(b) For a teacher who is newly eligible for a continuing 1795  
contract, in one-year increments or for multiple years, in no 1796  
event to exceed a total of four years. 1797

Upon any subsequent reemployment of the teacher after the 1798  
expiration of the extended limited contract or contracts, only a 1799  
continuing contract may be entered into. The teacher is presumed 1800  
to have accepted employment under such continuing contract unless 1801  
the teacher notifies the board in writing to the contrary before 1802  
the tenth day of July, and a continuing contract shall be executed 1803  
accordingly. 1804

(3) In the event the chief executive officer fails to make 1805  
any recommendation regarding a contract for a teacher who 1806  
satisfies the criteria in division (E) of section 3311.77 of the 1807  
Revised Code and has taught in the district for at least three 1808  
years, or at least two years in the case of a teacher who received 1809  
a continuing contract elsewhere, the teacher shall be re-employed 1810

under a one-year extended limited contract. That contract may be 1811  
subsequently extended for an additional one to three years 1812  
consistent with divisions (D)(2)(a) and (b) of this section. The 1813  
teacher is presumed to have accepted employment under such 1814  
extended limited contract unless the teacher notifies the board in 1815  
writing to the contrary before the tenth day of July. 1816

(E) The provisions of this section shall not apply to any 1817  
supplemental written contracts entered into pursuant to section 1818  
3311.77 of the Revised Code. 1819

(F) Notwithstanding any provision to the contrary in Chapter 1820  
4117. of the Revised Code, the requirements of this section 1821  
prevail over any conflicting provisions of a collective bargaining 1822  
agreement entered into on or after the effective date of this 1823  
section. However, the board and the teachers' labor organization 1824  
shall negotiate the due process procedures preceding a teacher's 1825  
receipt of a written notice indicating the intent of the board not 1826  
to re-employ the teacher, which procedures shall be consistent 1827  
with this section. 1828

Sec. 3311.82. Notwithstanding any provision of the Revised 1829  
Code to the contrary, a municipal school district shall be subject 1830  
to this section instead of sections 3319.16 and 3319.161 of the 1831  
Revised Code with respect to termination of teacher contracts, but 1832  
those sections shall apply to the district with respect to 1833  
termination of contracts with other district employees licensed by 1834  
the state board of education, subject to section 3311.72 and 1835  
division (F) of section 3311.84 of the Revised Code. 1836

(A) The board of education of a municipal school district may 1837  
terminate the contract of a teacher employed by the board only for 1838  
good and just cause. In addition, the board may place a teacher on 1839  
disciplinary suspension without pay for a definite period of time 1840  
for good and just cause. For purposes of contract terminations, 1841

good and just cause shall include receiving a composite evaluation rating of ineffective under section 3311.80 of the Revised Code for two consecutive years. A violation of division (A)(7) of section 2907.03 of the Revised Code is grounds for termination or disciplinary suspension without pay of a teacher under this section. 1842  
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(B) If an administrator determines, after a preliminary investigation, that a teacher may have engaged in conduct that could lead to a recommendation for termination or disciplinary suspension without pay, the teacher shall be entitled to a fact-finding hearing to determine if termination or disciplinary suspension without pay is warranted. The hearing shall be held before an administrator designated by the chief executive officer of the district. Prior to the hearing, the administrator designated by the chief executive officer shall provide the teacher with written notice of the allegations and of the right to request representation by the teachers' labor organization, and copies of any written evidence related to the allegations. The hearing shall be held within a reasonable period of time following the teacher's receipt of the written notice of the allegations. The teacher may have a representative of the teachers' labor organization present at the hearing. During the hearing, the teacher shall be given a meaningful opportunity to respond to the allegations, including the opportunity to submit additional evidence. Not later than ten business days after the hearing, the administrator designated by the chief executive officer shall notify the teacher in writing of the administrator's recommendation for discipline and the rationale for the recommendation, and shall provide a copy of the notification to the chief executive officer. 1848  
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(C) If the administrator designated by the chief executive officer recommends to the chief executive officer that the teacher 1872  
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be terminated or placed on disciplinary suspension without pay, 1874  
the chief executive officer shall review the evidence and 1875  
determine whether termination or disciplinary suspension without 1876  
pay is warranted. The chief executive officer shall make a 1877  
recommendation regarding discipline at the next scheduled meeting 1878  
of the board. The board may adopt or modify the chief executive 1879  
officer's recommendation, except that the board shall not increase 1880  
the recommended discipline. The board shall notify the teacher of 1881  
any action taken by the board on the chief executive officer's 1882  
recommendation. Any termination or disciplinary suspension without 1883  
pay imposed by the board shall take effect immediately. 1884

(D) A teacher who is terminated or placed on disciplinary 1885  
suspension without pay under this section may appeal the board's 1886  
action in accordance with the grievance procedures specified in 1887  
any applicable collective bargaining agreement. The failure of the 1888  
board, chief executive officer, or administrator designated by the 1889  
chief executive officer to strictly comply with any procedures 1890  
established by this section or applicable collective bargaining 1891  
agreement shall not be cause for an arbitrator to overturn the 1892  
termination or disciplinary suspension without pay, unless the 1893  
arbitrator finds that the failure resulted in substantive harm to 1894  
the teacher. 1895

(E) Notwithstanding any provision to the contrary in Chapter 1896  
4117. of the Revised Code: 1897

(1) The provisions of section 3319.16 of the Revised Code 1898  
relating to the grounds for termination of the contract of a 1899  
teacher prevail over any conflicting provisions of a collective 1900  
bargaining agreement entered into prior to the effective date of 1901  
this section. 1902

(2) The requirements of this section prevail over any 1903  
conflicting provisions of a collective bargaining agreement 1904  
entered into on or after the effective date of this section. 1905

Sec. 3311.83. Notwithstanding any provision of the Revised Code to the contrary, and except as otherwise specified in division (E) of this section, a municipal school district shall be subject to this section instead of section 3319.17 of the Revised Code with respect to suspension of teacher contracts, but sections 3311.72, 3319.17, and 3319.171 of the Revised Code shall apply to the district with respect to suspension of contracts of other district employees who may be licensed by the state board of education.

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

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

(2) Decreased enrollment of students in the district;

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

(4) Financial reasons;

(5) Territorial changes affecting the district.

(B) In making any such reduction, the board shall proceed to suspend contracts in accordance with the recommendation of the district's chief executive officer and divisions (B)(1) and (2) and (E) of this section.

(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 or extended limited contracts with a composite evaluation rating

<u>of ineffective;</u>	1936
<u>(b) Category 1B, which shall contain all teachers on</u>	1937
<u>continuing contracts with a composite evaluation rating of</u>	1938
<u>ineffective;</u>	1939
<u>(c) Category 2A, which shall contain all teachers on limited</u>	1940
<u>or extended limited contracts with a composite evaluation rating</u>	1941
<u>of developing;</u>	1942
<u>(d) Category 2B, which shall contain all teachers on</u>	1943
<u>continuing contracts with a composite evaluation rating of</u>	1944
<u>developing;</u>	1945
<u>(e) Category 3A, which shall contain all teachers on limited</u>	1946
<u>or extended limited contracts with a composite evaluation rating</u>	1947
<u>of proficient;</u>	1948
<u>(f) Category 3B, which shall contain all teachers on</u>	1949
<u>continuing contracts with a composite evaluation rating of</u>	1950
<u>proficient;</u>	1951
<u>(g) Category 4A, which shall contain all teachers on limited</u>	1952
<u>or extended limited contracts with a composite evaluation rating</u>	1953
<u>of accomplished;</u>	1954
<u>(h) Category 4B, which shall contain all teachers on</u>	1955
<u>continuing contracts with a composite evaluation rating of</u>	1956
<u>accomplished.</u>	1957
<u>(2) Consistent with division (E) of this section, reductions</u>	1958
<u>in the affected area of licensure shall be made starting with</u>	1959
<u>teachers in category 1A and shall proceed sequentially through</u>	1960
<u>teachers in category 4B, until all necessary reductions have</u>	1961
<u>occurred.</u>	1962
<u>(3) The evaluation ratings specified in division (B)(1) of</u>	1963
<u>this section refer to composite evaluation ratings assigned to a</u>	1964
<u>teacher in accordance with the evaluation procedures adopted under</u>	1965



section 3311.80 of the Revised Code. 1966

(C) On a case-by-case basis, in lieu of suspending a contract 1967  
in whole, the board may suspend a contract in part, so that an 1968  
individual is required to work a percentage of the time the 1969  
employee otherwise is required to work under the contract and 1970  
receives a commensurate percentage of the full compensation the 1971  
employee otherwise would receive under the contract. 1972

(D) The teachers whose contracts are suspended by the board 1973  
pursuant to this section shall have the right of restoration by 1974  
the board if and when teaching positions become vacant or are 1975  
created, for which the teachers are or become qualified within 1976  
three years after the date of the suspension of contract. 1977  
Consistent with division (E) of this section, the board shall 1978  
rehire teachers in the affected area of licensure starting with 1979  
teachers in category 4B and shall proceed sequentially through 1980  
teachers in category 1A, until all vacant positions have been 1981  
filled. No teacher whose contract has been suspended pursuant to 1982  
this section shall lose the right of restoration by reason of 1983  
having declined recall to a position that is less than full-time 1984  
or, if the teacher was not employed full-time just prior to 1985  
suspension of the teacher's continuing contract, to a position 1986  
requiring a lesser percentage of full-time employment than the 1987  
position the teacher last held while employed in the district. 1988

(E)(1) Notwithstanding any provision to the contrary in 1989  
Chapter 4117. of the Revised Code, the requirements of this 1990  
section prevail over any conflicting provisions of a collective 1991  
bargaining agreement entered into on or after the effective date 1992  
of this section. However, the board and the teachers' labor 1993  
organization shall negotiate how specialized training and 1994  
experience will be factored into reduction in force and recall 1995  
decisions regardless of the categories prescribed by division (B) 1996  
of this section. In addition, the board and the teachers' labor 1997

organization may negotiate additional factors to be considered in 1998  
determining the order of reductions, which factors shall not be 1999  
inconsistent with division (B) of this section. 2000

(2) After applying specialized training and experience and 2001  
any other negotiated factors, teachers within the same category 2002  
prescribed by division (B) of this section shall be given 2003  
preference based on seniority. 2004

**Sec. 3311.84.** Notwithstanding any provision of the Revised 2005  
Code to the contrary, a municipal school district shall be subject 2006  
to this section instead of division (D) of section 3319.02 of the 2007  
Revised Code with respect to principals and assistant principals, 2008  
but all other provisions of that section shall apply to the 2009  
district with respect to principals and assistant principals. 2010  
Section 3319.02 of the Revised Code in its entirety shall apply to 2011  
the district with respect to employees other than principals and 2012  
assistant principals who are covered by that section, except as 2013  
otherwise provided in section 3311.72 of the Revised Code. 2014

(A) As used in this section, "principal" includes an 2015  
assistant principal. 2016

(B) The board of education of each municipal school district 2017  
shall adopt procedures for the evaluation of principals and shall 2018  
evaluate all principals in accordance with those procedures. The 2019  
procedures shall be based on principles comparable to the teacher 2020  
evaluation procedures adopted under section 3311.80 of the Revised 2021  
Code, but shall be tailored to the duties and responsibilities of 2022  
principals and the environment in which principals work. Each 2023  
evaluation shall measure the principal's effectiveness in 2024  
performing the duties included in the principal's job description 2025  
and shall be considered by the board in deciding whether to renew 2026  
the principal's contract of employment. 2027

(C) The evaluation procedures adopted under this section 2028

shall require each principal to be evaluated annually through a 2029  
written evaluation process. The evaluation shall be conducted by 2030  
the chief executive officer of the district, or the chief 2031  
executive officer's designee. 2032

(D) To provide time to show progress in correcting 2033  
deficiencies identified in the evaluation, each evaluation shall 2034  
be completed as follows: 2035

(1) In any school year that the principal's contract of 2036  
employment is not due to expire, at least one evaluation shall be 2037  
completed in that year. A written copy of the evaluation shall be 2038  
provided to the principal by the end of the principal's contract 2039  
year as defined by the principal's annual salary notice. 2040

(2) In any school year that the principal's contract of 2041  
employment is due to expire, at least a preliminary evaluation and 2042  
a final evaluation shall be completed in that year. A written copy 2043  
of the preliminary evaluation shall be provided to the principal 2044  
at least sixty days prior to any action by the board on the 2045  
principal's contract of employment. The final evaluation shall 2046  
indicate the chief executive officer's intended recommendation to 2047  
the board regarding a contract of employment for the principal. A 2048  
written copy of the final evaluation shall be provided to the 2049  
principal at least five days prior to the chief executive officer 2050  
making the recommendation to the board. 2051

(E) At least thirty days prior to taking action to renew or 2052  
not renew the contract of a principal, the board shall notify the 2053  
principal of the board's intended action and that the principal 2054  
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. The board 2082  
has final authority to establish a school calendar, including the 2083  
starting and ending times for the school day, for one or more of 2084  
the district's school buildings that provides for additional 2085  
student days or hours beyond the minimum prescribed by that 2086  
section. A school's calendar may prescribe year-round instruction 2087  
or an extended school day. 2088

(B) Notwithstanding any provision to the contrary in Chapter 2089  
4117. of the Revised Code, the requirements and authorizations of 2090

this section prevail over any conflicting provisions of a 2091  
collective bargaining agreement entered into on or after the 2092  
effective date of this section. However, the district board and 2093  
teachers' labor organization shall negotiate regarding any 2094  
additional compensation for school staff for an extended school 2095  
year or school day, consistent with section 3311.78 of the Revised 2096  
Code. 2097

**Sec. 3311.86.** (A) As used in this section: 2098

(1) "Alliance" means a municipal school district 2099  
transformation alliance established as a nonprofit corporation. 2100

(2) "Alliance municipal school district" means a municipal 2101  
school district for which an alliance has been created under this 2102  
section. 2103

(3) "Partnering community school" means a community school 2104  
established under Chapter 3314. of the Revised Code that is 2105  
located within the territory of a municipal school district and is 2106  
sponsored by the district, receives services from the district, 2107  
leases a building from the district, or is a party to an agreement 2108  
with the district whereby the district and the community school 2109  
endorse each other's programs. 2110

(4) "Transformation alliance education plan" means a plan 2111  
prepared by the mayor, and confirmed by the alliance, to transform 2112  
public education in the alliance municipal school district to a 2113  
system of municipal school district schools and partnering 2114  
community schools that will be held to the highest standards of 2115  
school performance and student achievement. 2116

(B) If one or more partnering community schools are located 2117  
in a municipal school district, the mayor may initiate proceedings 2118  
to establish a municipal school district transformation alliance 2119  
as a nonprofit corporation under Chapter 1702. of the Revised 2120

Code. The mayor shall appoint the initial directors of any 2121  
alliance created under this section. The directors of the alliance 2122  
shall include representatives of all of the following: 2123

(1) The municipal school district; 2124

(2) Partnering community schools; 2125

(3) Members of the community at large, including parents and 2126  
educators; 2127

(4) The business community, including business leaders and 2128  
foundation leaders. 2129

No one group listed in divisions (B)(1) to (4) of this 2130  
section shall comprise a majority of the directors. The mayor 2131  
shall be an ex officio director, and serve as the chairperson of 2132  
the board of directors, of any alliance created under this 2133  
section. If the proceedings are initiated, the mayor shall 2134  
identify the initial directors in the articles of incorporation 2135  
filed under section 1702.04 of the Revised Code. 2136

(C)(1) A majority of the members of the board of directors of 2137  
the alliance shall constitute a quorum of the board. Any formal 2138  
action taken by the board of directors shall take place at a 2139  
meeting of the board and shall require the concurrence of a 2140  
majority of the members of the board. Meetings of the board of 2141  
directors shall be public meetings open to the public at all 2142  
times, except that the board may hold an executive session for any 2143  
of the purposes for which an executive session of a public body is 2144  
permitted under division (G) of section 121.22 of the Revised 2145  
Code. The board of directors shall establish reasonable methods 2146  
whereby any person may determine the time and place of all of the 2147  
board's public meetings and by which any person, upon request, may 2148  
obtain reasonable advance notification of the board's public 2149  
meetings. Provisions for that advance notification may include, 2150  
but are not limited to, mailing notices to all subscribers on a 2151

mailing list or mailing notices in self-addressed, stamped envelopes provided by the person. 2152  
2153

(2) All records of the alliance shall be organized and maintained by the alliance and also filed with the department of education. The alliance and the department shall make those records available to the public as though those records were public records for purposes of Chapter 149. of the Revised Code. The department shall promptly notify the alliance upon the department's receipt of any requests for records relating to the alliance pursuant to section 149.43 of the Revised Code. 2154  
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(3) The board of directors of the alliance shall establish a conflicts of interest policy and shall adopt that policy, and any amendments to the policy, at a meeting of the board held in accordance with this section. 2162  
2163  
2164  
2165

(D) If an alliance is created under this section, the alliance shall do all of the following: 2166  
2167

(1) Confirm and monitor implementation of the transformation alliance education plan; 2168  
2169

(2) Suggest national education models and develop venues for the community and institutions within the territory of the alliance municipal school district to provide input in the development of new schools within the territory of the district; 2170  
2171  
2172  
2173

(3) Work with the alliance municipal school district and partnering community schools to adopt a comprehensive, evidence-based framework to assess district and community schools and advocate for school performance accountability with the department of education. The alliance annually shall assess the performance of district schools and community schools using the framework adopted under this division. 2174  
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2180

(4) Communicate school choices within the territory of the alliance municipal school district by publishing and making 2181  
2182

available to parents and guardians of students an annual report 2183  
summarizing the alliance's assessments of district and community 2184  
school performance and providing, during the intradistrict open 2185  
enrollment period under section 3313.97 of the Revised Code, 2186  
information about educational choices; 2187

(5) Assess community school growth and quality by applying 2188  
national quality standards as they relate to the opening of 2189  
community schools located within the territory of the alliance 2190  
municipal school district or the closure of failing community 2191  
schools located within the territory of the alliance municipal 2192  
school district. 2193

(E) Divisions (E)(1) to (6) of this section apply to each 2194  
community school proposed to be located in an alliance municipal 2195  
school district and for which a contract under section 3314.03 of 2196  
the Revised Code has not been signed prior to the effective date 2197  
of this section. 2198

(1) Before the governing authority of a community school to 2199  
which this division applies enters into a contract with a sponsor 2200  
under section 3314.03 of the Revised Code, the governing authority 2201  
shall request and receive approval from the alliance to establish 2202  
the community school. 2203

(2) Before a person, group of individuals, or entity applies 2204  
to the department of education under section 3314.029 of the 2205  
Revised Code for authorization to establish a community school to 2206  
which this division applies, the person, group, or entity shall 2207  
request and receive approval from the alliance to establish the 2208  
community school. 2209

(3) Each person or group of individuals that enters into a 2210  
preliminary agreement under division (C) of section 3314.02 of the 2211  
Revised Code for a community school that is subject to this 2212  
division immediately shall file a copy of the agreement, and each 2213



amendment or supplement to the agreement, with the alliance. 2214

(4) The governing authority of each community school that is 2215  
subject to this division immediately shall file a copy of the 2216  
contract it enters into under section 3314.03 of the Revised Code, 2217  
and each amendment or supplement to the contract, with the 2218  
alliance. 2219

(5) The alliance, in consultation with the department of 2220  
education, shall establish objective criteria to be used in 2221  
determining approval of community schools under this section and 2222  
shall make the criteria available to community schools requesting 2223  
approval under this section. 2224

(6) A governing authority, person, group, or entity whose 2225  
request under division (E)(1) or (2) of this section is denied may 2226  
appeal to the department of education to review the alliance's 2227  
decision. The department, using only the criteria established 2228  
under division (E)(5) of this section, may affirm or reverse the 2229  
alliance's decision. If the department reverses the alliance's 2230  
decision, the governing authority may enter into a contract under 2231  
section 3314.03 of the Revised Code, or the person, group, or 2232  
entity may apply for authorization under section 3314.029 of the 2233  
Revised Code. 2234

(F) Directors, officers, and employees of an alliance are not 2235  
public employees or public officials, are not subject to Chapters 2236  
124., 145., and 4117. of the Revised Code, and are not "public 2237  
officials" or "public servants" as defined in section 2921.01 of 2238  
the Revised Code. Membership on the board of directors of an 2239  
alliance does not constitute the holding of an incompatible public 2240  
office or employment in violation of any statutory or common law 2241  
prohibition against the simultaneous holding of more than one 2242  
public office or employment. Members of the board of directors of 2243  
an alliance are not disqualified from holding any public office by 2244  
reason of that membership, and do not forfeit by reason of that 2245

membership the public office or employment held when appointed to 2246  
the board, notwithstanding any contrary disqualification or 2247  
forfeiture requirement under the Revised Code or the common law of 2248  
this state. 2249

**Sec. 3313.41.** (A) Except as provided in divisions (C), (D), 2250  
(F), and (G) of this section or section 3313.412 of the Revised 2251  
Code, when a board of education decides to dispose of real or 2252  
personal property that it owns in its corporate capacity and that 2253  
exceeds in value ten thousand dollars, it shall sell the property 2254  
at public auction, after giving at least thirty days' notice of 2255  
the auction by publication in a newspaper of general circulation 2256  
in the school district, by publication as provided in section 7.16 2257  
of the Revised Code, or by posting notices in five of the most 2258  
public places in the school district in which the property, if it 2259  
is real property, is situated, or, if it is personal property, in 2260  
the school district of the board of education that owns the 2261  
property. The board may offer real property for sale as an entire 2262  
tract or in parcels. 2263

(B) When the board of education has offered real or personal 2264  
property for sale at public auction at least once pursuant to 2265  
division (A) of this section, and the property has not been sold, 2266  
the board may sell it at a private sale. Regardless of how it was 2267  
offered at public auction, at a private sale, the board shall, as 2268  
it considers best, sell real property as an entire tract or in 2269  
parcels, and personal property in a single lot or in several lots. 2270

(C) If a board of education decides to dispose of real or 2271  
personal property that it owns in its corporate capacity and that 2272  
exceeds in value ten thousand dollars, it may sell the property to 2273  
the adjutant general; to any subdivision or taxing authority as 2274  
respectively defined in divisions (A) and (C) of section 5705.01 2275  
of the Revised Code, township park district, board of park 2276

commissioners established under Chapter 755. of the Revised Code, 2277  
or park district established under Chapter 1545. of the Revised 2278  
Code; to a wholly or partially tax-supported university, 2279  
university branch, or college; or to the board of trustees of a 2280  
school district library, upon such terms as are agreed upon. The 2281  
sale of real or personal property to the board of trustees of a 2282  
school district library is limited, in the case of real property, 2283  
to a school district library within whose boundaries the real 2284  
property is situated, or, in the case of personal property, to a 2285  
school district library whose boundaries lie in whole or in part 2286  
within the school district of the selling board of education. 2287

(D) When a board of education decides to trade as a part or 2288  
an entire consideration, an item of personal property on the 2289  
purchase price of an item of similar personal property, it may 2290  
trade the same upon such terms as are agreed upon by the parties 2291  
to the trade. 2292

(E) The president and the treasurer of the board of education 2293  
shall execute and deliver deeds or other necessary instruments of 2294  
conveyance to complete any sale or trade under this section. 2295

(F) When a board of education has identified a parcel of real 2296  
property that it determines is needed for school purposes, the 2297  
board may, upon a majority vote of the members of the board, 2298  
acquire that property by exchanging real property that the board 2299  
owns in its corporate capacity for the identified real property or 2300  
by using real property that the board owns in its corporate 2301  
capacity as part or an entire consideration for the purchase price 2302  
of the identified real property. Any exchange or acquisition made 2303  
pursuant to this division shall be made by a conveyance executed 2304  
by the president and the treasurer of the board. 2305

(G) ~~When~~ This division does not apply to a municipal school 2306  
district to which section 3313.412 of the Revised Code applies. 2307

When a school district board of education decides to dispose 2308  
of real property, prior to disposing of that property under 2309  
divisions (A) to (F) of this section, it shall first offer that 2310  
property for sale to the governing authorities of the start-up 2311  
community schools established under Chapter 3314. of the Revised 2312  
Code located within the territory of the school district, at a 2313  
price that is not higher than the appraised fair market value of 2314  
that property. If more than one community school governing 2315  
authority accepts the offer made by the school district board, the 2316  
board shall sell the property to the governing authority that 2317  
accepted the offer first in time. If no community school governing 2318  
authority accepts the offer within sixty days after the offer is 2319  
made by the school district board, the board may dispose of the 2320  
property in the applicable manner prescribed under divisions (A) 2321  
to (F) of this section. 2322

(H) When a school district board of education has property 2323  
that the board, by resolution, finds is not needed for school 2324  
district use, is obsolete, or is unfit for the use for which it 2325  
was acquired, the board may donate that property in accordance 2326  
with this division if the fair market value of the property is, in 2327  
the opinion of the board, two thousand five hundred dollars or 2328  
less. 2329

The property may be donated to an eligible nonprofit 2330  
organization that is located in this state and is exempt from 2331  
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 2332  
Before donating any property under this division, the board shall 2333  
adopt a resolution expressing its intent to make unneeded, 2334  
obsolete, or unfit-for-use school district property available to 2335  
these organizations. The resolution shall include guidelines and 2336  
procedures the board considers to be necessary to implement the 2337  
donation program and shall indicate whether the school district 2338  
will conduct the donation program or the board will contract with 2339

a representative to conduct it. If a representative is known when 2340  
the resolution is adopted, the resolution shall provide contact 2341  
information such as the representative's name, address, and 2342  
telephone number. 2343

The resolution shall include within its procedures a 2344  
requirement that any nonprofit organization desiring to obtain 2345  
donated property under this division shall submit a written notice 2346  
to the board or its representative. The written notice shall 2347  
include evidence that the organization is a nonprofit organization 2348  
that is located in this state and is exempt from federal income 2349  
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 2350  
the organization's primary purpose; a description of the type or 2351  
types of property the organization needs; and the name, address, 2352  
and telephone number of a person designated by the organization's 2353  
governing board to receive donated property and to serve as its 2354  
agent. 2355

After adoption of the resolution, the board shall publish, in 2356  
a newspaper of general circulation in the school district or as 2357  
provided in section 7.16 of the Revised Code, notice of its intent 2358  
to donate unneeded, obsolete, or unfit-for-use school district 2359  
property to eligible nonprofit organizations. The notice shall 2360  
include a summary of the information provided in the resolution 2361  
and shall be published twice. The second notice shall be published 2362  
not less than ten nor more than twenty days after the previous 2363  
notice. A similar notice also shall be posted continually in the 2364  
board's office. If the school district maintains a web site on the 2365  
internet, the notice shall be posted continually at that web site. 2366

The board or its representatives shall maintain a list of all 2367  
nonprofit organizations that notify the board or its 2368  
representative of their desire to obtain donated property under 2369  
this division and that the board or its representative determines 2370  
to be eligible, in accordance with the requirements set forth in 2371

this section and in the donation program's guidelines and 2372  
procedures, to receive donated property. 2373

The board or its representative also shall maintain a list of 2374  
all school district property the board finds to be unneeded, 2375  
obsolete, or unfit for use and to be available for donation under 2376  
this division. The list shall be posted continually in a 2377  
conspicuous location in the board's office, and, if the school 2378  
district maintains a web site on the internet, the list shall be 2379  
posted continually at that web site. An item of property on the 2380  
list shall be donated to the eligible nonprofit organization that 2381  
first declares to the board or its representative its desire to 2382  
obtain the item unless the board previously has established, by 2383  
resolution, a list of eligible nonprofit organizations that shall 2384  
be given priority with respect to the item's donation. Priority 2385  
may be given on the basis that the purposes of a nonprofit 2386  
organization have a direct relationship to specific school 2387  
district purposes of programs provided or administered by the 2388  
board. A resolution giving priority to certain nonprofit 2389  
organizations with respect to the donation of an item of property 2390  
shall specify the reasons why the organizations are given that 2391  
priority. 2392

Members of the board shall consult with the Ohio ethics 2393  
commission, and comply with Chapters 102. and 2921. of the Revised 2394  
Code, with respect to any donation under this division to a 2395  
nonprofit organization of which a board member, any member of a 2396  
board member's family, or any business associate of a board member 2397  
is a trustee, officer, board member, or employee. 2398

**Sec. 3313.411.** ~~(A)~~ This section does not apply to a municipal 2399  
school district to which section 3313.412 of the Revised Code 2400  
applies. 2401

(A) As used in this section, "unused school facilities" means 2402

any real property that has been used by a school district for 2403  
school operations, including, but not limited to, academic 2404  
instruction or administration, since July 1, 1998, but has not 2405  
been used in that capacity for two years. 2406

(B) On and after ~~the effective date of this section~~ June 30, 2407  
2011, any school district board of education shall offer any 2408  
unused school facilities it owns in its corporate capacity for 2409  
lease or sale to the governing authorities of community schools 2410  
established under Chapter 3314. of the Revised Code that are 2411  
located within the territory of the school district. 2412

(1) If, not later than sixty days after the district board 2413  
makes the offer, the governing authority of one community school 2414  
located within the territory of the school district notifies the 2415  
district treasurer in writing of its intention to purchase the 2416  
property, the district board shall sell the property to the 2417  
community school for the appraised fair market value of the 2418  
property. 2419

(2) If, not later than sixty days after the district board 2420  
makes the offer, the governing authorities of two or more 2421  
community schools located within the territory of the school 2422  
district notify the district treasurer in writing of their 2423  
intention to purchase the property, the board shall conduct a 2424  
public auction in the manner required for auctions of district 2425  
property under division (A) of section 3313.41 of the Revised 2426  
Code. Only the governing authorities of all community schools 2427  
located within the territory of the school district are eligible 2428  
to bid at the auction. The district board is not obligated to 2429  
accept any bid for the property that is lower than the appraised 2430  
fair market value of the property. 2431

(3) If the governing authorities of two or more community 2432  
schools located within the territory of the school district notify 2433  
the district treasurer in writing of their intention to lease the 2434

property, the district board shall conduct a lottery to select the 2435  
community school to which the district board shall lease the 2436  
property. 2437

(4) The lease price offered by a district board to the 2438  
governing authority of a community school under this section shall 2439  
not be higher than the fair market value for such a leasehold. 2440

(5) If no community school governing authority accepts the 2441  
offer to lease or buy the property within sixty days after the 2442  
offer is made, the district board may offer the property to any 2443  
other entity in accordance with divisions (A) to (F) of section 2444  
3313.41 of the Revised Code. 2445

(C) Notwithstanding division (B) of this section, a school 2446  
district board may renew any agreement it originally entered into 2447  
prior to ~~the effective date of this section~~ June 30, 2011, to 2448  
lease real property to an entity other than a community school. 2449  
Nothing in this section shall affect the leasehold arrangements 2450  
between the district board and that other entity. 2451

Sec. 3313.412. This section applies only to a municipal 2452  
school district that has at least one partnering community school. 2453

(A) As used in this section: 2454

(1) "Municipal school district" has the same meaning as in 2455  
section 3311.71 of the Revised Code. 2456

(2) "Partnering community school" means a community school 2457  
established under Chapter 3314. of the Revised Code that is 2458  
located within the territory of a municipal school district and is 2459  
sponsored by the district, receives services from the district, 2460  
leases a building from the district, or is a party to an agreement 2461  
with the district whereby the district and the community school 2462  
endorse each other's programs. 2463

(3) "Unused academic facilities" means real property that the 2464



board of education of a municipal school district owns in its 2465  
corporate capacity and that has been but is no longer being used 2466  
by the district for academic instruction. 2467

(B) Except as provided in division (D) of this section, prior 2468  
to disposing of unused academic facilities under division (C) of 2469  
this section or section 3313.41 of the Revised Code, the board of 2470  
education of a municipal school district to which this section 2471  
applies shall offer that property for sale or lease, as determined 2472  
by the district board, to its partnering community schools at a 2473  
price that is not higher than the appraised fair market value of 2474  
the property or, if the district board offers the property for 2475  
lease, the fair market value for such a leasehold. If more than 2476  
one partnering community school submits a responsive acceptance of 2477  
the district's offer, the district board shall sell or lease the 2478  
property to the partnering community school that has the highest 2479  
current performing index score as reported under sections 3302.03 2480  
and 3314.012 of the Revised Code. If no partnering community 2481  
school submits a responsive acceptance of the offer within ten 2482  
business days after the offer is made, the property may be sold or 2483  
leased under division (C) of this section or sold under section 2484  
3313.41 of the Revised Code. The district board shall establish 2485  
terms, conditions, and procedures for offers made under this 2486  
section and may delegate to any district officer the authority to 2487  
determine if acceptances submitted by partnering community schools 2488  
are responsive to offers made by the board. 2489

(C) The board of education of a municipal school district to 2490  
which this section applies may sell or lease real property it owns 2491  
in its corporate capacity, upon such terms as are agreed upon, to 2492  
any of the entities listed in division (C) of section 3313.41 of 2493  
the Revised Code and to any community school located within the 2494  
territory of the school district or a nonpublic school that is 2495  
chartered pursuant to section 3301.16 of the Revised Code. 2496

(D) The board of education of a municipal school district to 2497  
which this section applies may sell or lease any real property it 2498  
owns in its corporate capacity to any individual or entity at the 2499  
written request of the mayor or legislative authority of the 2500  
municipal corporation within the territory of which all or a 2501  
portion of the real property is situated. The terms of the sale or 2502  
lease of the property shall be specified in the request of the 2503  
mayor or legislative authority. The request also shall include a 2504  
determination that the sale or lease of the property is in 2505  
furtherance of a public purpose of the municipal corporation. 2506

(E) The chairperson of the district board and the chief 2507  
financial officer of the district shall execute and deliver deeds, 2508  
leases, or other necessary instruments of conveyance to complete 2509  
any sale or lease made under this section. 2510

(F) The district board shall maintain a written inventory of 2511  
its unused academic facilities and its plans for reutilization or 2512  
disposition of those facilities and shall update that inventory at 2513  
least annually. 2514

(G) Notwithstanding division (F) of section 5705.10 of the 2515  
Revised Code, if a school district board sells real property that 2516  
it owns in its corporate capacity, moneys received from the sale 2517  
may be paid into the general fund of the district, as long as the 2518  
district has owned the real property for at least five years and 2519  
the real property and any improvements to that real property were 2520  
not acquired with the proceeds of public obligations, as defined 2521  
in section 133.01 of the Revised Code, of the district that are 2522  
outstanding at the time of the sale. 2523

**Sec. 3313.975.** As used in this section and in sections 2524  
~~3313.975~~ 3313.976 to 3313.979 of the Revised Code, "the pilot 2525  
project school district" or "the district" means any school 2526  
district included in the pilot project scholarship program 2527

pursuant to this section. 2528

(A) The superintendent of public instruction shall establish 2529  
a pilot project scholarship program and shall include in such 2530  
program any school districts that are or have ever been under 2531  
federal court order requiring supervision and operational 2532  
management of the district by the state superintendent. The 2533  
program shall provide for a number of students residing in any 2534  
such district to receive scholarships to attend alternative 2535  
schools, and for an equal number of students to receive tutorial 2536  
assistance grants while attending public school in any such 2537  
district. 2538

(B) The state superintendent shall establish an application 2539  
process and deadline for accepting applications from students 2540  
residing in the district to participate in the scholarship 2541  
program. In the initial year of the program students may only use 2542  
a scholarship to attend school in grades kindergarten through 2543  
third. 2544

The state superintendent shall award as many scholarships and 2545  
tutorial assistance grants as can be funded given the amount 2546  
appropriated for the program. In no case, however, shall more than 2547  
fifty per cent of all scholarships awarded be used by students who 2548  
were enrolled in a nonpublic school during the school year of 2549  
application for a scholarship. 2550

(C)(1) The pilot project program shall continue in effect 2551  
each year that the general assembly has appropriated sufficient 2552  
money to fund scholarships and tutorial assistance grants. In each 2553  
year the program continues, new students may receive scholarships 2554  
in grades kindergarten to twelve. A student who has received a 2555  
scholarship may continue to receive one until the student has 2556  
completed grade twelve. 2557

(2) If the general assembly discontinues the scholarship 2558

program, all students who are attending an alternative school 2559  
under the pilot project shall be entitled to continued admittance 2560  
to that specific school through all grades that are provided in 2561  
such school, under the same conditions as when they were 2562  
participating in the pilot project. The state superintendent shall 2563  
continue to make scholarship payments in accordance with division 2564  
(A) or (B) of section 3313.979 of the Revised Code for students 2565  
who remain enrolled in an alternative school under this provision 2566  
in any year that funds have been appropriated for this purpose. 2567

If funds are not appropriated, the tuition charged to the 2568  
parents of a student who remains enrolled in an alternative school 2569  
under this provision shall not be increased beyond the amount 2570  
equal to the amount of the scholarship plus any additional amount 2571  
charged that student's parent in the most recent year of 2572  
attendance as a participant in the pilot project, except that 2573  
tuition for all the students enrolled in such school may be 2574  
increased by the same percentage. 2575

(D) Notwithstanding sections 124.39, 3307.54, and ~~3319.17~~ 2576  
3311.83 of the Revised Code, if the pilot project school district 2577  
experiences a decrease in enrollment due to participation in a 2578  
state-sponsored scholarship program pursuant to sections 3313.974 2579  
to 3313.979 of the Revised Code, the district board of education 2580  
may enter into an agreement with any teacher it employs to provide 2581  
to that teacher severance pay or early retirement incentives, or 2582  
both, if the teacher agrees to terminate the employment contract 2583  
with the district board, provided any collective bargaining 2584  
agreement in force pursuant to Chapter 4117. of the Revised Code 2585  
does not prohibit such an agreement for termination of a teacher's 2586  
employment contract. 2587

**Sec. 3314.012.** (A) Within ninety days of September 28, 1999, 2588  
the superintendent of public instruction shall appoint 2589

representatives of the department of education, including 2590  
employees who work with the education management information 2591  
system, to a committee to develop report card models for community 2592  
schools. The committee shall design model report cards appropriate 2593  
for the various types of community schools approved to operate in 2594  
the state. Sufficient models shall be developed to reflect the 2595  
variety of grade levels served and the missions of the state's 2596  
community schools. All models shall include both financial and 2597  
academic data. The initial models shall be developed by March 31, 2598  
2000. 2599

(B) The department of education shall issue an annual report 2600  
card for each community school, regardless of how long the school 2601  
has been in operation. The report card shall report the academic 2602  
and financial performance of the school utilizing one of the 2603  
models developed under division (A) of this section. The report 2604  
card shall include all information applicable to school buildings 2605  
under division (A) of section 3302.03 of the Revised Code. The 2606  
ratings a community school receives under section 3302.03 of the 2607  
Revised Code for its first two full school years shall not be 2608  
considered toward automatic closure of the school under section 2609  
3314.35 or 3314.351 of the Revised Code or any other matter that 2610  
is based on report card ratings. 2611

(C) Upon receipt of a copy of a contract between a sponsor 2612  
and a community school entered into under this chapter, the 2613  
department of education shall notify the community school of the 2614  
specific model report card that will be used for that school. 2615

(D) Report cards shall be distributed to the parents of all 2616  
students in the community school, to the members of the board of 2617  
education of the school district in which the community school is 2618  
located, and to any person who requests one from the department. 2619

**Sec. 3314.016.** This section applies to any entity that 2620

sponsors a community school, regardless of whether section 2621  
3314.021 or 3314.027 of the Revised Code exempts the entity from 2622  
the requirement to be approved for sponsorship under divisions 2623  
(A)(2) and (B)(1) of section 3314.015 of the Revised Code. 2624

(A) An entity that sponsors a community school shall be 2625  
permitted to enter into contracts under section 3314.03 of the 2626  
Revised Code to sponsor additional community schools only if the 2627  
entity meets both of the following criteria: 2628

(1) The entity is in compliance with all provisions of this 2629  
chapter requiring sponsors of community schools to report data or 2630  
information to the department of education. 2631

(2) The entity is not ranked in the lowest twenty per cent of 2632  
community school sponsors on the ranking prescribed by division 2633  
(B) of this section. 2634

(B) For purposes of this section, the department shall 2635  
develop a composite performance index score, as defined in section 2636  
3302.01 of the Revised Code, that measures the academic 2637  
performance of students enrolled in community schools sponsored by 2638  
the same entity. In calculating the composite performance index 2639  
score, the department shall exclude all community schools 2640  
described in division ~~(A)(3)(2)~~ of section 3314.35 and in division 2641  
(A)(2) of section 3314.351 of the Revised Code, but the department 2642  
shall cease to exclude those schools beginning January 1, 2013, if 2643  
the general assembly does not enact by that date separate 2644  
performance standards for community schools that operate dropout 2645  
prevention and recovery programs and for community schools that 2646  
serve students with disabilities. The department annually shall 2647  
rank all entities that sponsor community schools from highest to 2648  
lowest according to the entities' composite performance index 2649  
scores. 2650

(C) If the governing authority of a community school enters 2651

into a contract with a sponsor prior to the date on which the 2652  
sponsor is prohibited from sponsoring additional schools under 2653  
division (A) of this section and the school has not opened for 2654  
operation as of that date, that contract shall be void and the 2655  
school shall not open until the governing authority secures a new 2656  
sponsor by entering into a contract with the new sponsor under 2657  
section 3314.03 of the Revised Code. 2658

**Sec. 3314.10.** (A)(1) The governing authority of any community 2659  
school established under this chapter may employ teachers and 2660  
nonteaching employees necessary to carry out its mission and 2661  
fulfill its contract. 2662

(2) Except as provided under division (A)(3) of this section, 2663  
employees hired under this section may organize and collectively 2664  
bargain pursuant to Chapter 4117. of the Revised Code. 2665  
Notwithstanding division (D)(1) of section 4117.06 of the Revised 2666  
Code, a unit containing teaching and nonteaching employees 2667  
employed under this section shall be considered an appropriate 2668  
unit. As applicable, employment under this section is subject to 2669  
either Chapter 3307. or 3309. of the Revised Code. 2670

(3) If a school is created by converting all or part of an 2671  
existing public school rather than by establishment of a new 2672  
start-up school, at the time of conversion, the employees of the 2673  
community school shall remain part of any collective bargaining 2674  
unit in which they were included immediately prior to the 2675  
conversion and shall remain subject to any collective bargaining 2676  
agreement for that unit in effect on the first day of July of the 2677  
year in which the community school initially begins operation and 2678  
shall be subject to any subsequent collective bargaining agreement 2679  
for that unit, unless a petition is certified as sufficient under 2680  
division (A)(6) of this section with regard to those employees. 2681  
Any new employees of the community school shall also be included 2682

in the unit to which they would have been assigned had not the 2683  
conversion taken place and shall be subject to the collective 2684  
bargaining agreement for that unit unless a petition is certified 2685  
as sufficient under division (A)(6) of this section with regard to 2686  
those employees. 2687

Notwithstanding division (B) of section 4117.01 of the 2688  
Revised Code, the board of education of a school district and not 2689  
the governing authority of a community school shall be regarded, 2690  
for purposes of Chapter 4117. of the Revised Code, as the "public 2691  
employer" of the employees of a conversion community school 2692  
subject to a collective bargaining agreement pursuant to division 2693  
(A)(3) of this section unless a petition is certified under 2694  
division (A)(6) of this section with regard to those employees. 2695  
Only on and after the effective date of a petition certified as 2696  
sufficient under division (A)(6) of this section shall division 2697  
(A)(2) of this section apply to those employees of that community 2698  
school and only on and after the effective date of that petition 2699  
shall Chapter 4117. of the Revised Code apply to the governing 2700  
authority of that community school with regard to those employees. 2701

(4) Notwithstanding sections 4117.03 to 4117.18 of the 2702  
Revised Code and Section 4 of Amended Substitute Senate Bill No. 2703  
133 of the 115th general assembly, the employees of a conversion 2704  
community school who are subject to a collective bargaining 2705  
agreement pursuant to division (A)(3) of this section shall cease 2706  
to be subject to that agreement and all subsequent agreements 2707  
pursuant to that division and shall cease to be part of the 2708  
collective bargaining unit that is subject to that and all 2709  
subsequent agreements, if a majority of the employees of that 2710  
community school who are subject to that collective bargaining 2711  
agreement sign and submit to the state employment relations board 2712  
a petition requesting all of the following: 2713

(a) That all the employees of the community school who are 2714



subject to that agreement be removed from the bargaining unit that 2715  
is subject to that agreement and be designated by the state 2716  
employment relations board as a new and separate bargaining unit 2717  
for purposes of Chapter 4117. of the Revised Code; 2718

(b) That the employee organization certified as the exclusive 2719  
representative of the employees of the bargaining unit from which 2720  
the employees are to be removed be certified as the exclusive 2721  
representative of the new and separate bargaining unit for 2722  
purposes of Chapter 4117. of the Revised Code; 2723

(c) That the governing authority of the community school be 2724  
regarded as the "public employer" of these employees for purposes 2725  
of Chapter 4117. of the Revised Code. 2726

(5) Notwithstanding sections 4117.03 to 4117.18 of the 2727  
Revised Code and Section 4 of Amended Substitute Senate Bill No. 2728  
133 of the 115th general assembly, the employees of a conversion 2729  
community school who are subject to a collective bargaining 2730  
agreement pursuant to division (A)(3) of this section shall cease 2731  
to be subject to that agreement and all subsequent agreements 2732  
pursuant to that division, shall cease to be part of the 2733  
collective bargaining unit that is subject to that and all 2734  
subsequent agreements, and shall cease to be represented by any 2735  
exclusive representative of that collective bargaining unit, if a 2736  
majority of the employees of the community school who are subject 2737  
to that collective bargaining agreement sign and submit to the 2738  
state employment relations board a petition requesting all of the 2739  
following: 2740

(a) That all the employees of the community school who are 2741  
subject to that agreement be removed from the bargaining unit that 2742  
is subject to that agreement; 2743

(b) That any employee organization certified as the exclusive 2744  
representative of the employees of that bargaining unit be 2745

decertified as the exclusive representative of the employees of 2746  
the community school who are subject to that agreement; 2747

(c) That the governing authority of the community school be 2748  
regarded as the "public employer" of these employees for purposes 2749  
of Chapter 4117. of the Revised Code. 2750

(6) Upon receipt of a petition under division (A)(4) or (5) 2751  
of this section, the state employment relations board shall check 2752  
the sufficiency of the signatures on the petition. If the 2753  
signatures are found sufficient, the board shall certify the 2754  
sufficiency of the petition and so notify the parties involved, 2755  
including the board of education, the governing authority of the 2756  
community school, and any exclusive representative of the 2757  
bargaining unit. The changes requested in a certified petition 2758  
shall take effect on the first day of the month immediately 2759  
following the date on which the sufficiency of the petition is 2760  
certified under division (A)(6) of this section. 2761

(B)(1) The board of education of each city, local, and 2762  
exempted village school district sponsoring a community school and 2763  
the governing board of each educational service center in which a 2764  
community school is located shall adopt a policy that provides a 2765  
leave of absence of at least three years to each teacher or 2766  
nonteaching employee of the district or service center who is 2767  
employed by a conversion or new start-up community school 2768  
sponsored by the district or located in the district or center for 2769  
the period during which the teacher or employee is continuously 2770  
employed by the community school. The policy shall also provide 2771  
that any teacher or nonteaching employee may return to employment 2772  
by the district or service center if the teacher or employee 2773  
leaves or is discharged from employment with the community school 2774  
for any reason, unless, in the case of a teacher, the board of the 2775  
district or service center determines that the teacher was 2776  
discharged for a reason for which the board would have sought to 2777

discharge the teacher under section 3311.82 or 3319.16 of the 2778  
Revised Code, in which case the board may proceed to discharge the 2779  
teacher utilizing the procedures of that section. Upon termination 2780  
of such a leave of absence, any seniority that is applicable to 2781  
the person shall be calculated to include all of the following: 2782  
all employment by the district or service center prior to the 2783  
leave of absence; all employment by the community school during 2784  
the leave of absence; and all employment by the district or 2785  
service center after the leave of absence. The policy shall also 2786  
provide that if any teacher holding valid certification returns to 2787  
employment by the district or service center upon termination of 2788  
such a leave of absence, the teacher shall be restored to the 2789  
previous position and salary or to a position and salary similar 2790  
thereto. If, as a result of teachers returning to employment upon 2791  
termination of such leaves of absence, a school district or 2792  
educational service center reduces the number of teachers it 2793  
employs, it shall make such reductions in accordance with section 2794  
3319.171 of the Revised Code. 2795

Unless a collective bargaining agreement providing otherwise 2796  
is in effect for an employee of a conversion community school 2797  
pursuant to division (A)(3) of this section, an employee on a 2798  
leave of absence pursuant to this division shall remain eligible 2799  
for any benefits that are in addition to benefits under Chapter 2800  
3307. or 3309. of the Revised Code provided by the district or 2801  
service center to its employees provided the employee pays the 2802  
entire cost associated with such benefits, except that personal 2803  
leave and vacation leave cannot be accrued for use as an employee 2804  
of a school district or service center while in the employ of a 2805  
community school unless the district or service center board 2806  
adopts a policy expressly permitting this accrual. 2807

(2) While on a leave of absence pursuant to division (B)(1) 2808  
of this section, a conversion community school shall permit a 2809

teacher to use sick leave accrued while in the employ of the 2810  
school district from which the leave of absence was taken and 2811  
prior to commencing such leave. If a teacher who is on such a 2812  
leave of absence uses sick leave so accrued, the cost of any 2813  
salary paid by the community school to the teacher for that time 2814  
shall be reported to the department of education. The cost of 2815  
employing a substitute teacher for that time shall be paid by the 2816  
community school. The department of education shall add amounts to 2817  
the payments made to a community school under this chapter as 2818  
necessary to cover the cost of salary reported by a community 2819  
school as paid to a teacher using sick leave so accrued pursuant 2820  
to this section. The department shall subtract the amounts of any 2821  
payments made to community schools under this division from 2822  
payments made to such sponsoring school district under Chapter 2823  
3317. of the Revised Code. 2824

A school district providing a leave of absence and employee 2825  
benefits to a person pursuant to this division is not liable for 2826  
any action of that person while the person is on such leave and 2827  
employed by a community school. 2828

~~Sec. 3314.35. (A)(1) Except as provided in division (A)(3) of 2829  
this section, this section applies to any community school that 2830  
meets one of the following criteria after July 1, 2009, but before 2831  
July 1, 2011: 2832~~

~~(a) The school does not offer a grade level higher than three 2833  
and has been declared to be in a state of academic emergency under 2834  
section 3302.03 of the Revised Code for three of the four most 2835  
recent school years. 2836~~

~~(b) The school satisfies all of the following conditions: 2837~~

~~(i) The school offers any of grade levels four to eight but 2838  
does not offer a grade level higher than nine. 2839~~

~~(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) 2870  
of section 3302.021 of the Revised Code. 2871

(c) The school offers any of grade levels ten to twelve and 2872  
has been declared to be in a state of academic emergency under 2873  
section 3302.03 of the Revised Code for two of the three most 2874  
recent school years. 2875

~~(3)~~(2) This section does not apply to either of the 2876  
following: 2877

(a) Any community school in which a majority of the students 2878  
are enrolled in a dropout prevention and recovery program that is 2879  
operated by the school and that has been granted a waiver under 2880  
section 3314.36 of the Revised Code; 2881

(b) Any community school in which a majority of the enrolled 2882  
students are children with disabilities receiving special 2883  
education and related services in accordance with Chapter 3323. of 2884  
the Revised Code. 2885

(B) Any community school to which this section applies shall 2886  
permanently close at the conclusion of the school year in which 2887  
the school first becomes subject to this section. The sponsor and 2888  
governing authority of the school shall comply with all procedures 2889  
for closing a community school adopted by the department under 2890  
division (E) of section 3314.015 of the Revised Code. The 2891  
governing authority of the school shall not enter into a contract 2892  
with any other sponsor under section 3314.03 of the Revised Code 2893  
after the school closes. 2894

(C) In accordance with division (B) of section 3314.012 of 2895  
the Revised Code, the department shall not consider the 2896  
performance ratings assigned to a community school for its first 2897  
two years of operation when determining whether the school meets 2898  
the criteria prescribed by division (A)(1) ~~or (2)~~ of this section. 2899

Sec. 3314.351. (A)(1) Except as provided in division (A)(2) 2900  
of this section, this section applies to any community school that 2901  
is located within the territory of a municipal school district, as 2902  
defined in section 3311.71 of the Revised Code, and that meets one 2903  
of the following criteria after July 1, 2011: 2904

(a) The school does not offer a grade level higher than three 2905  
and has been declared to be in a state of academic emergency under 2906  
section 3302.03 of the Revised Code for two of the three most 2907  
recent school years. 2908

(b) The school satisfies all of the following conditions: 2909

(i) The school offers any of grade levels four to eight but 2910  
does not offer a grade level higher than nine. 2911

(ii) The school has been declared to be in a state of 2912  
academic emergency under section 3302.03 of the Revised Code for 2913  
two of the three most recent school years. 2914

(iii) In at least two of the three most recent school years, 2915  
the school showed less than one standard year of academic growth 2916  
in either reading or mathematics, as determined by the department 2917  
of education in accordance with rules adopted under division (A) 2918  
of section 3302.021 of the Revised Code. 2919

(c) The school offers any of grade levels ten to twelve and 2920  
has been declared to be in a state of academic emergency under 2921  
section 3302.03 of the Revised Code for two of the three most 2922  
recent school years. 2923

(2) This section does not apply to either of the following: 2924

(a) Any community school in which a majority of the students 2925  
are enrolled in a dropout prevention and recovery program that is 2926  
operated by the school and that has been granted a waiver under 2927  
section 3314.36 of the Revised Code; 2928

(b) Any community school in which a majority of the enrolled 2929

students are children with disabilities receiving special 2930  
education and related services in accordance with Chapter 3323. of 2931  
the Revised Code. 2932

(B) Any community school to which this section applies shall 2933  
permanently close at the conclusion of the school year in which 2934  
the school first becomes subject to this section. The sponsor and 2935  
governing authority of the school shall comply with all procedures 2936  
for closing a community school adopted by the department under 2937  
division (E) of section 3314.015 of the Revised Code. The 2938  
governing authority of the school shall not enter into a contract 2939  
with any other sponsor under section 3314.03 of the Revised Code 2940  
after the school closes. 2941

(C) In accordance with division (B) of section 3314.012 of 2942  
the Revised Code, the department shall not consider the 2943  
performance ratings assigned to a community school for its first 2944  
two years of operation when determining whether the school meets 2945  
the criteria prescribed by division (A)(1) of this section. 2946

(D) When the department determines that a school is at risk 2947  
of meeting the criteria prescribed by division (A)(1) of this 2948  
section in the next school year based on the school's report card 2949  
issued in the current school year under section 3302.03 of the 2950  
Revised Code, the department shall notify the school of that risk 2951  
not later than the thirtieth day of September of the current 2952  
school year. Not later than the following fifteenth day of 2953  
October, the school shall send to the parent of each student 2954  
enrolled in the school, or the student if at least eighteen years 2955  
old and no guardian or custodian has been appointed for the 2956  
student, a copy of the department's notice and a description of 2957  
the steps the school will take to address its academic 2958  
performance. If, based on student scores on the assessments 2959  
required by divisions (A) and (B)(1) of section 3301.0710 of the 2960  
Revised Code administered during the next spring as reported to 2961



the school, the school determines that it is likely the school 2962  
will meet the criteria prescribed by division (A)(1) of this 2963  
section when the department issues the school's next report card, 2964  
the school shall notify each parent and student, as notified 2965  
earlier, of that fact not later than the thirtieth day of June. 2966

(E) Any community school located within the territory of a 2967  
municipal school district that fails to comply with the 2968  
requirements of this section shall not be eligible to receive 2969  
state funds. 2970

**Sec. 3314.36.** (A) ~~Section~~ Sections 3314.35 and 3314.351 of 2971  
the Revised Code ~~does~~ do not apply to any community school in 2972  
which a majority of the students are enrolled in a dropout 2973  
prevention and recovery program that is operated by the school and 2974  
that has been granted a waiver by the department of education. The 2975  
department shall grant a waiver to a dropout prevention and 2976  
recovery program, within sixty days after the program applies for 2977  
the waiver, if the program meets all of the following conditions: 2978

(1) The program serves only students not younger than sixteen 2979  
years of age and not older than twenty-one years of age. 2980

(2) The program enrolls students who, at the time of their 2981  
initial enrollment, either, or both, are at least one grade level 2982  
behind their cohort age groups or experience crises that 2983  
significantly interfere with their academic progress such that 2984  
they are prevented from continuing their traditional programs. 2985

(3) The program requires students to attain at least the 2986  
applicable score designated for each of the assessments prescribed 2987  
under division (B)(1) of section 3301.0710 of the Revised Code or, 2988  
to the extent prescribed by rule of the state board of education 2989  
under division (D)(6) of section 3301.0712 of the Revised Code, 2990  
division (B)(2) of that section. 2991

(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; 3053

(7) To assist or provide assistance to the school district or 3054  
to assume the total responsibility for the structuring or the 3055  
terms of, and the placement for sale of, debt obligations of the 3056  
school district; 3057

(8) To perform all other powers, duties, and functions as 3058  
provided under this chapter; 3059

(9) To make and enter into all contracts and agreements 3060  
necessary or incidental to the performance of its duties and the 3061  
exercise of its powers under this chapter; 3062

(10) To consult with officials of the school district and 3063  
make recommendations or assume the responsibility for implementing 3064  
cost reductions and revenue increases to achieve balanced budgets 3065  
and carry out the financial recovery plan in accordance with this 3066  
chapter; 3067

(11) To make reductions in force to bring the school 3068  
district's budget into balance, notwithstanding division (A) of 3069  
section 3311.83, section 3319.081, and divisions (A) and (B) of 3070  
section 3319.17 of the Revised Code, notwithstanding any provision 3071  
of a policy adopted under section 3319.171 of the Revised Code, 3072  
and notwithstanding any provision to the contrary in section 3073  
4117.08 or 4117.10 of the Revised Code or in any collective 3074  
bargaining agreement entered into on or after November 21, 1997. 3075

In making reductions in force, the commission shall first 3076  
consider reasonable reductions among the administrative and 3077  
~~non-teaching~~ nonteaching employees of the school district giving 3078  
due regard to ensuring the district's ability to maintain the 3079  
personnel, programs, and services essential to the provision of an 3080  
adequate educational program. 3081

In making these reductions in ~~non-teaching~~ nonteaching 3082  
employees in districts where Chapter 124. of the Revised Code 3083

controls such reductions, the reductions shall be made in 3084  
accordance with sections 124.321 to 124.327 of the Revised Code. 3085  
In making these reductions in ~~non-teaching~~ nonteaching employees 3086  
in districts where Chapter 124. of the Revised Code does not 3087  
control these reductions, within each category of ~~non-teaching~~ 3088  
nonteaching employees, the commission shall give preference to 3089  
those employees with continuing contracts or non-probationary 3090  
status and who have greater seniority. 3091

If revenues and expenditures cannot be balanced by reasonable 3092  
reductions in administrative and ~~non-teaching~~ nonteaching 3093  
employees, the commission may also make reasonable reductions in 3094  
the number of teaching contracts. If the commission finds it 3095  
necessary to suspend teaching contracts, it shall suspend them in 3096  
accordance with divisions (B) to (D) of section 3311.83 or 3097  
division (C) of section 3319.17 of the Revised Code but shall 3098  
consider a reduction in non-classroom teachers before classroom 3099  
teachers. 3100

(B) During the fiscal emergency period, the commission shall, 3101  
in addition to other powers: 3102

(1) With respect to the appropriation measure in effect at 3103  
the commencement of the fiscal emergency period of the school 3104  
district if that period commenced more than three months prior to 3105  
the end of the current fiscal year, and otherwise with respect to 3106  
the appropriation measure for the next fiscal year: 3107

(a) Review and determine the adequacy of all revenues to meet 3108  
all expenditures for such fiscal year; 3109

(b) Review and determine the extent of any deficiency of 3110  
revenues to meet such expenditures; 3111

(c) Require the school district board or superintendent to 3112  
provide justification documents to substantiate, to the extent and 3113  
in the manner considered necessary, any item of revenue or 3114

appropriation; 3115

(d) Not later than sixty days after taking office or after 3116  
receiving the appropriation measure for the next fiscal year, 3117  
issue a public report regarding its review pursuant to division 3118  
(B)(1) of this section. 3119

(2) Require the school district board, by resolution, to 3120  
establish monthly levels of expenditures and encumbrances 3121  
consistent with the financial recovery plan and the commission's 3122  
review pursuant to divisions (B)(1)(a) and (b) of this section, or 3123  
establish such levels itself. If the commission permits the 3124  
district board to make expenditures, the commission shall monitor 3125  
the monthly levels of expenditures and encumbrances and require 3126  
justification documents to substantiate any departure from any 3127  
approved level. No district board shall make any expenditure apart 3128  
from the approved level without the written approval of the 3129  
commission. 3130

(C) In making any determination pursuant to division (B) of 3131  
this section, the commission may rely on any information 3132  
considered in its judgment reliable or material and shall not be 3133  
restricted by any tax budget or certificate or any other document 3134  
the school district may have adopted or received from any other 3135  
governmental agency. 3136

(D) County, state, and school district officers or employees 3137  
shall assist the commission diligently and promptly in the 3138  
prosecution of its duties, including the furnishing of any 3139  
materials, including justification documents, required. 3140

(E) Annually on or before the first day of April during the 3141  
fiscal emergency period, the commission shall make reports and 3142  
recommendations to the speaker of the house of representatives and 3143  
the president of the senate concerning progress of the school 3144  
district to eliminate fiscal emergency conditions, failures of the 3145

school district to comply with this chapter, and recommendations 3146  
for further actions to attain the objectives of this chapter, 3147  
including any legislative action needed to make provisions of law 3148  
more effective for their purposes, or to enhance revenue raising 3149  
or financing capabilities of school districts. The commission may 3150  
make such interim reports as it considers appropriate for such 3151  
purposes and shall make such additional reports as may be 3152  
requested by either house of the general assembly. 3153

**Sec. 3318.08.** Except in the case of a joint vocational school 3154  
district that receives assistance under sections 3318.40 to 3155  
3318.45 of the Revised Code, if the requisite favorable vote on 3156  
the election is obtained, or if the school district board has 3157  
resolved to apply the proceeds of a property tax levy or the 3158  
proceeds of an income tax, or a combination of proceeds from such 3159  
taxes, as authorized in section 3318.052 of the Revised Code, the 3160  
Ohio school facilities commission, upon certification to it of 3161  
either the results of the election or the resolution under section 3162  
3318.052 of the Revised Code, shall enter into a written agreement 3163  
with the school district board for the construction and sale of 3164  
the project. In the case of a joint vocational school district 3165  
that receives assistance under sections 3318.40 to 3318.45 of the 3166  
Revised Code, if the school district board of education and the 3167  
school district electors have satisfied the conditions prescribed 3168  
in division (D)(1) of section 3318.41 of the Revised Code, the 3169  
commission shall enter into an agreement with the school district 3170  
board for the construction and sale of the project. In either 3171  
case, the agreement shall include, but need not be limited to, the 3172  
following provisions: 3173

(A) The sale and issuance of bonds or notes in anticipation 3174  
thereof, as soon as practicable after the execution of the 3175  
agreement, in an amount equal to the school district's portion of 3176  
the basic project cost, including any securities authorized under 3177

division (J) of section 133.06 of the Revised Code and dedicated 3178  
by the school district board to payment of the district's portion 3179  
of the basic project cost of the project; provided, that if at 3180  
that time the county treasurer of each county in which the school 3181  
district is located has not commenced the collection of taxes on 3182  
the general duplicate of real and public utility property for the 3183  
year in which the controlling board approved the project, the 3184  
school district board shall authorize the issuance of a first 3185  
installment of bond anticipation notes in an amount specified by 3186  
the agreement, which amount shall not exceed an amount necessary 3187  
to raise the net bonded indebtedness of the school district as of 3188  
the date of the controlling board's approval to within five 3189  
thousand dollars of the required level of indebtedness for the 3190  
preceding year. In the event that a first installment of bond 3191  
anticipation notes is issued, the school district board shall, as 3192  
soon as practicable after the county treasurer of each county in 3193  
which the school district is located has commenced the collection 3194  
of taxes on the general duplicate of real and public utility 3195  
property for the year in which the controlling board approved the 3196  
project, authorize the issuance of a second and final installment 3197  
of bond anticipation notes or a first and final issue of bonds. 3198

The combined value of the first and second installment of 3199  
bond anticipation notes or the value of the first and final issue 3200  
of bonds shall be equal to the school district's portion of the 3201  
basic project cost. The proceeds of any such bonds shall be used 3202  
first to retire any bond anticipation notes. Otherwise, the 3203  
proceeds of such bonds and of any bond anticipation notes, except 3204  
the premium and accrued interest thereon, shall be deposited in 3205  
the school district's project construction fund. In determining 3206  
the amount of net bonded indebtedness for the purpose of fixing 3207  
the amount of an issue of either bonds or bond anticipation notes, 3208  
gross indebtedness shall be reduced by moneys in the bond 3209  
retirement fund only to the extent of the moneys therein on the 3210



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: 3243

(1) If section 3318.052 of the Revised Code applies, the 3244  
earmarking of the proceeds of a tax levied under section 5705.21 3245  
of the Revised Code for general permanent improvements or under 3246  
section 5705.218 of the Revised Code for the purpose of permanent 3247  
improvements, or the proceeds of a school district income tax 3248  
levied under Chapter 5748. of the Revised Code, or the proceeds 3249  
from a combination of those two taxes, in an amount to pay all or 3250  
part of the service charges on bonds issued to pay the school 3251  
district portion of the project and an amount equivalent to all or 3252  
part of the tax required under division (B) of section 3318.05 of 3253  
the Revised Code; 3254

(2) If section 3318.052 of the Revised Code does not apply, 3255  
one of the following: 3256

(a) The levy of the tax authorized at the election for the 3257  
payment of maintenance costs, as specified in division (B) of 3258  
section 3318.05 of the Revised Code; 3259

(b) If the school district electors have approved a 3260  
continuing tax for general permanent improvements under section 3261  
5705.21 of the Revised Code and that tax can be used for 3262  
maintenance, the earmarking of an amount of the proceeds from such 3263  
tax for maintenance of classroom facilities as specified in 3264  
division (B) of section 3318.05 of the Revised Code; 3265

(c) If, in lieu of the tax otherwise required under division 3266  
(B) of section 3318.05 of the Revised Code, the commission has 3267  
approved the transfer of money to the maintenance fund in 3268  
accordance with section 3318.051 of the Revised Code, a 3269  
requirement that the district board comply with the provisions 3270  
that section. The district board may rescind the provision 3271  
prescribed under division (C)(2)(c) of this section only so long 3272  
as the electors of the district have approved, in accordance with 3273

section 3318.063 of the Revised Code, the levy of a tax for the 3274  
maintenance of the classroom facilities acquired under the 3275  
district's project and that levy continues to be collected as 3276  
approved by the electors. 3277

(D) For joint vocational school districts that receive 3278  
assistance under sections 3318.40 to 3318.45 of the Revised Code, 3279  
provision for deposit of school district moneys dedicated to 3280  
maintenance of the classroom facilities acquired under those 3281  
sections as prescribed in section 3318.43 of the Revised Code; 3282

(E) Dedication of any local donated contribution as provided 3283  
for under section 3318.084 of the Revised Code, including a 3284  
schedule for depositing such moneys applied as an offset of the 3285  
district's obligation to levy the tax described in division (B) of 3286  
section 3318.05 of the Revised Code as required under division 3287  
(D)(2) of section 3318.084 of the Revised Code; 3288

(F) Ownership of or interest in the project during the period 3289  
of construction, which shall be divided between the commission and 3290  
the school district board in proportion to their respective 3291  
contributions to the school district's project construction fund; 3292

(G) Maintenance of the state's interest in the project until 3293  
any obligations issued for the project under section 3318.26 of 3294  
the Revised Code are no longer outstanding; 3295

(H) The insurance of the project by the school district from 3296  
the time there is an insurable interest therein and so long as the 3297  
state retains any ownership or interest in the project pursuant to 3298  
division (F) of this section, in such amounts and against such 3299  
risks as the commission shall require; provided, that the cost of 3300  
any required insurance until the project is completed shall be a 3301  
part of the basic project cost; 3302

(I) The certification by the director of budget and 3303  
management that funds are available and have been set aside to 3304

meet the state's share of the basic project cost as approved by 3305  
the controlling board pursuant to either section 3318.04 or 3306  
division (B)(1) of section 3318.41 of the Revised Code; 3307

(J) Authorization of the school district board to advertise 3308  
for and receive construction bids for the project, for and on 3309  
behalf of the commission, and to award contracts in the name of 3310  
the state subject to approval by the commission; 3311

(K) Provisions for the disbursement of moneys from the school 3312  
district's project account upon issuance by the commission or the 3313  
commission's designated representative of vouchers for work done 3314  
to be certified to the commission by the treasurer of the school 3315  
district board; 3316

(L) Disposal of any balance left in the school district's 3317  
project construction fund upon completion of the project; 3318

(M) Limitations upon use of the project or any part of it so 3319  
long as any obligations issued to finance the project under 3320  
section 3318.26 of the Revised Code are outstanding; 3321

(N) Provision for vesting the state's interest in the project 3322  
to the school district board when the obligations issued to 3323  
finance the project under section 3318.26 of the Revised Code are 3324  
outstanding; 3325

(O) Provision for deposit of an executed copy of the 3326  
agreement in the office of the commission; 3327

(P) Provision for termination of the contract and release of 3328  
the funds encumbered at the time of the conditional approval, if 3329  
the proceeds of the sale of the bonds of the school district board 3330  
are not paid into the school district's project construction fund 3331  
and if bids for the construction of the project have not been 3332  
taken within such period after the execution of the agreement as 3333  
may be fixed by the commission; 3334

(Q) Provision for the school district to maintain the project 3335  
in accordance with a plan approved by the commission; 3336

(R) Provision that all state funds reserved and encumbered to 3337  
pay the state share of the cost of the project and the funds 3338  
provided by the school district to pay for its share of the 3339  
project cost, including the respective shares of the cost of a 3340  
segment if the project is divided into segments, be spent on the 3341  
construction and acquisition of the project or segment 3342  
simultaneously in proportion to the state's and the school 3343  
district's respective shares of that basic project cost as 3344  
determined under section 3318.032 of the Revised Code or, if the 3345  
district is a joint vocational school district, under section 3346  
3318.42 of the Revised Code. However, if the school district 3347  
certifies to the commission that expenditure by the school 3348  
district is necessary to maintain the federal tax status or 3349  
tax-exempt status of notes or bonds issued by the school district 3350  
to pay for its share of the project cost or to comply with 3351  
applicable temporary investment periods or spending exceptions to 3352  
rebate as provided for under federal law in regard to those notes 3353  
or bonds, the school district may commit to spend, or spend, a 3354  
greater portion of the funds it provides during any specific 3355  
period than would otherwise be required under this division. 3356

(S) A provision stipulating that the commission may prohibit 3357  
the district from proceeding with any project if the commission 3358  
determines that the site is not suitable for construction 3359  
purposes. The commission may perform soil tests in its 3360  
determination of whether a site is appropriate for construction 3361  
purposes. 3362

(T) A provision stipulating that, unless otherwise authorized 3363  
by the commission, any contingency reserve portion of the 3364  
construction budget prescribed by the commission shall be used 3365  
only to pay costs resulting from unforeseen job conditions, to 3366

comply with rulings regarding building and other codes, to pay 3367  
costs related to design clarifications or corrections to contract 3368  
documents, and to pay the costs of settlements or judgments 3369  
related to the project as provided under section 3318.086 of the 3370  
Revised Code; 3371

(U) Provision stipulating that for continued release of 3372  
project funds the school district board shall comply with ~~section~~ 3373  
sections 3313.41 and 3313.412 of the Revised Code throughout the 3374  
project and shall notify the department of education and the Ohio 3375  
community school association when the board plans to dispose of 3376  
facilities by sale under ~~that section~~ those sections; 3377

(V) Provision that the commission shall not approve a 3378  
contract for demolition of a facility until the school district 3379  
board has complied with ~~section~~ sections 3313.41 and 3313.412 of 3380  
the Revised Code relative to that facility, unless demolition of 3381  
that facility is to clear a site for construction of a replacement 3382  
facility included in the district's project. 3383

**Sec. 3319.02.** (A)(1) As used in this section, "other 3384  
administrator" means any of the following: 3385

(a) Except as provided in division (A)(2) of this section, 3386  
any employee in a position for which a board of education requires 3387  
a license designated by rule of the department of education for 3388  
being an administrator issued under section 3319.22 of the Revised 3389  
Code, including a professional pupil services employee or 3390  
administrative specialist or an equivalent of either one who is 3391  
not employed as a school counselor and spends less than fifty per 3392  
cent of the time employed teaching or working with students; 3393

(b) Any nonlicensed employee whose job duties enable such 3394  
employee to be considered as either a "supervisor" or a 3395  
"management level employee," as defined in section 4117.01 of the 3396  
Revised Code; 3397

(c) A business manager appointed under section 3319.03 of the Revised Code. 3398  
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(2) As used in this section, "other administrator" does not include a superintendent, assistant superintendent, principal, or assistant principal. 3400  
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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. 3403  
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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. 3414  
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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 3423  
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more, the term of the contract shall be for not more than five 3430  
years and, unless the superintendent of the district recommends 3431  
otherwise, not less than two years. If the superintendent so 3432  
recommends, the term of the contract of a person who has been 3433  
employed by the district or service center as an assistant 3434  
superintendent, principal, assistant principal, or other 3435  
administrator for three years or more may be one year, but all 3436  
subsequent contracts granted such person shall be for a term of 3437  
not less than two years and not more than five years. When a 3438  
teacher with continuing service status becomes an assistant 3439  
superintendent, principal, assistant principal, or other 3440  
administrator with the district or service center with which the 3441  
teacher holds continuing service status, the teacher retains such 3442  
status in the teacher's nonadministrative position as provided in 3443  
sections 3311.77, 3319.08, and 3319.09 of the Revised Code. 3444

A board of education or governing board may reemploy an 3445  
assistant superintendent, principal, assistant principal, or other 3446  
administrator at any regular or special meeting held during the 3447  
period beginning on the first day of January of the calendar year 3448  
immediately preceding the year of expiration of the employment 3449  
contract and ending on the last day of March of the year the 3450  
employment contract expires. 3451

Except by mutual agreement of the parties thereto, no 3452  
assistant superintendent, principal, assistant principal, or other 3453  
administrator shall be transferred during the life of a contract 3454  
to a position of lesser responsibility. No contract may be 3455  
terminated by a board except pursuant to section 3319.16 of the 3456  
Revised Code. No contract may be suspended except pursuant to 3457  
section 3319.17 or 3319.171 of the Revised Code. The salaries and 3458  
compensation prescribed by such contracts shall not be reduced by 3459  
a board unless such reduction is a part of a uniform plan 3460  
affecting the entire district or center. The contract shall 3461



specify the employee's administrative position and duties as 3462  
included in the job description adopted under division (D) of this 3463  
section, the salary and other compensation to be paid for 3464  
performance of duties, the number of days to be worked, the number 3465  
of days of vacation leave, if any, and any paid holidays in the 3466  
contractual year. 3467

An assistant superintendent, principal, assistant principal, 3468  
or other administrator is, at the expiration of the current term 3469  
of employment, deemed reemployed at the same salary plus any 3470  
increments that may be authorized by the board, unless such 3471  
employee notifies the board in writing to the contrary on or 3472  
before the first day of June, or unless such board, on or before 3473  
the last day of March of the year in which the contract of 3474  
employment expires, either reemploys such employee for a 3475  
succeeding term or gives written notice of its intention not to 3476  
reemploy the employee. The term of reemployment of a person 3477  
reemployed under this paragraph shall be one year, except that if 3478  
such person has been employed by the school district or service 3479  
center as an assistant superintendent, principal, assistant 3480  
principal, or other administrator for three years or more, the 3481  
term of reemployment shall be two years. 3482

(D)(1) Each board shall adopt procedures for the evaluation 3483  
of all assistant superintendents, principals, assistant 3484  
principals, and other administrators and shall evaluate such 3485  
employees in accordance with those procedures. The procedures for 3486  
the evaluation of principals shall be based on principles 3487  
comparable to the teacher evaluation policy adopted by the board 3488  
under section 3319.111 of the Revised Code, but shall be tailored 3489  
to the duties and responsibilities of principals and the 3490  
environment in which principals work. An evaluation based upon 3491  
procedures adopted under this division shall be considered by the 3492  
board in deciding whether to renew the contract of employment of 3493

an assistant superintendent, principal, assistant principal, or 3494  
other administrator. 3495

(2) The evaluation shall measure each assistant 3496  
superintendent's, principal's, assistant principal's, and other 3497  
administrator's effectiveness in performing the duties included in 3498  
the job description and the evaluation procedures shall provide 3499  
for, but not be limited to, the following: 3500

(a) Each assistant superintendent, principal, assistant 3501  
principal, and other administrator shall be evaluated annually 3502  
through a written evaluation process. 3503

(b) The evaluation shall be conducted by the superintendent 3504  
or designee. 3505

(c) In order to provide time to show progress in correcting 3506  
the deficiencies identified in the evaluation process, the 3507  
evaluation process shall be completed as follows: 3508

(i) In any school year that the employee's contract of 3509  
employment is not due to expire, at least one evaluation shall be 3510  
completed in that year. A written copy of the evaluation shall be 3511  
provided to the employee no later than the end of the employee's 3512  
contract year as defined by the employee's annual salary notice. 3513

(ii) In any school year that the employee's contract of 3514  
employment is due to expire, at least a preliminary evaluation and 3515  
at least a final evaluation shall be completed in that year. A 3516  
written copy of the preliminary evaluation shall be provided to 3517  
the employee at least sixty days prior to any action by the board 3518  
on the employee's contract of employment. The final evaluation 3519  
shall indicate the superintendent's intended recommendation to the 3520  
board regarding a contract of employment for the employee. A 3521  
written copy of the evaluation shall be provided to the employee 3522  
at least five days prior to the board's acting to renew or not 3523  
renew the contract. 3524

(3) Termination of an assistant superintendent, principal, 3525  
assistant principal, or other administrator's contract shall be 3526  
pursuant to section 3319.16 of the Revised Code. Suspension of any 3527  
such employee shall be pursuant to section 3319.17 or 3319.171 of 3528  
the Revised Code. 3529

(4) Before taking action to renew or nonrenew the contract of 3530  
an assistant superintendent, principal, assistant principal, or 3531  
other administrator under this section and prior to the last day 3532  
of March of the year in which such employee's contract expires, 3533  
the board shall notify each such employee of the date that the 3534  
contract expires and that the employee may request a meeting with 3535  
the board. Upon request by such an employee, the board shall grant 3536  
the employee a meeting in executive session. In that meeting, the 3537  
board shall discuss its reasons for considering renewal or 3538  
nonrenewal of the contract. The employee shall be permitted to 3539  
have a representative, chosen by the employee, present at the 3540  
meeting. 3541

(5) The establishment of an evaluation procedure shall not 3542  
create an expectancy of continued employment. Nothing in division 3543  
(D) of this section shall prevent a board from making the final 3544  
determination regarding the renewal or nonrenewal of the contract 3545  
of any assistant superintendent, principal, assistant principal, 3546  
or other administrator. However, if a board fails to provide 3547  
evaluations pursuant to division (D)(2)(c)(i) or (ii) of this 3548  
section, or if the board fails to provide at the request of the 3549  
employee a meeting as prescribed in division (D)(4) of this 3550  
section, the employee automatically shall be reemployed at the 3551  
same salary plus any increments that may be authorized by the 3552  
board for a period of one year, except that if the employee has 3553  
been employed by the district or service center as an assistant 3554  
superintendent, principal, assistant principal, or other 3555  
administrator for three years or more, the period of reemployment 3556

shall be for two years. 3557

(E) On nomination of the superintendent of a service center a 3558  
governing board may employ supervisors who shall be employed under 3559  
written contracts of employment for terms not to exceed five years 3560  
each. Such contracts may be terminated by a governing board 3561  
pursuant to section 3319.16 of the Revised Code. Any supervisor 3562  
employed pursuant to this division may terminate the contract of 3563  
employment at the end of any school year after giving the board at 3564  
least thirty days' written notice prior to such termination. On 3565  
the recommendation of the superintendent the contract or contracts 3566  
of any supervisor employed pursuant to this division may be 3567  
suspended for the remainder of the term of any such contract 3568  
pursuant to section 3319.17 or 3319.171 of the Revised Code. 3569

(F) A board may establish vacation leave for any individuals 3570  
employed under this section. Upon such an individual's separation 3571  
from employment, a board that has such leave may compensate such 3572  
an individual at the individual's current rate of pay for all 3573  
lawfully accrued and unused vacation leave credited at the time of 3574  
separation, not to exceed the amount accrued within three years 3575  
before the date of separation. In case of the death of an 3576  
individual employed under this section, such unused vacation leave 3577  
as the board would have paid to the individual upon separation 3578  
under this section shall be paid in accordance with section 3579  
2113.04 of the Revised Code, or to the estate. 3580

(G) The board of education of any school district may 3581  
contract with the governing board of the educational service 3582  
center from which it otherwise receives services to conduct 3583  
searches and recruitment of candidates for assistant 3584  
superintendent, principal, assistant principal, and other 3585  
administrator positions authorized under this section. 3586

**Sec. 3319.071.** The board of education of any school district 3587

may, by resolution, establish a professional development program 3588  
for teachers in accordance with which it may reimburse teachers 3589  
employed by the district for all or any part of the cost incurred 3590  
by the teacher in the successful completion of a course or 3591  
training program in which the teacher enrolled as part of the 3592  
development program. The terms and conditions for participation 3593  
shall be determined by the board and shall be included in the 3594  
resolution establishing the program. 3595

No teacher shall be required to participate in a professional 3596  
development program under this section. When a teacher is 3597  
participating in such a program, such participation does not 3598  
constitute the performance of duties by such teacher in addition 3599  
to the teacher's regular teaching duties and is not subject to 3600  
section 3311.77 or 3319.08 of the Revised Code. 3601

As used in this section, "teacher" has the meaning contained 3602  
in division (A) of section 3319.09 of the Revised Code. 3603

**Sec. 3319.10.** Teachers may be employed as substitute teachers 3604  
for terms not to exceed one year for assignment as services are 3605  
needed to take the place of regular teachers absent on account of 3606  
illness or on leaves of absence or to fill temporarily positions 3607  
created by emergencies; such assignment to be subject to 3608  
termination when such services no longer are needed. 3609

A teacher employed as a substitute with an assignment to one 3610  
specific teaching position shall after sixty days of service be 3611  
granted sick leave, visiting days, and other local privileges 3612  
granted to regular teachers including a salary not less than the 3613  
minimum salary on the current adopted salary schedule. 3614

A teacher employed as a substitute for one hundred twenty 3615  
days or more during a school year and re-employed for or assigned 3616  
to a specific teaching position for the succeeding year shall 3617  
receive a contract as a regular teacher if the substitute meets 3618

the local educational requirements for the employment of regular teachers. 3619  
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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. 3621  
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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. 3627  
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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: 3633  
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(1) Provides for multiple evaluation factors, including student academic growth which shall account for fifty per cent of each evaluation; 3637  
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(2) Is aligned with the standards for teachers adopted under section 3319.61 of the Revised Code; 3640  
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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; 3642  
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3644

(4) Assigns a rating on each evaluation in accordance with division (B) of this section; 3645  
3646

(5) Requires each teacher to be provided with a written report of the results of the teacher's evaluation; 3647  
3648

(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;	3649 3650 3651
(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;	3652 3653 3654
(8) Provides for professional development to accelerate and continue teacher growth and provide support to poorly performing teachers;	3655 3656 3657
(9) Provides for the allocation of financial resources to support professional development.	3658 3659
(B) For purposes of the framework developed under this section, the state board also shall do the following:	3660 3661
(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:	3662 3663 3664 3665 3666
(a) Accomplished;	3667
(b) Proficient;	3668
(c) Developing;	3669
(d) Ineffective.	3670
(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.	3671 3672 3673 3674 3675 3676 3677 3678

(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 3710  
and compensations prescribed by such contracts shall not be 3711  
reduced by a board of education unless such reduction is a part of 3712  
a uniform plan affecting the entire district. This section shall 3713  
apply only to contracts entered into after August 18, 1969. 3714

**Sec. 3319.13.** Upon the written request of a teacher or a 3715  
regular nonteaching school employee, a board of education may 3716  
grant a leave of absence for a period of not more than two 3717  
consecutive school years for educational, professional, or other 3718  
purposes, and shall grant such leave where illness or other 3719  
disability is the reason for the request. Upon subsequent request, 3720  
such leave may be renewed by the board. Without request, a board 3721  
may grant similar leave of absence and renewals thereof to any 3722  
teacher or regular nonteaching school employee because of physical 3723  
or mental disability, but such teacher may have a hearing on such 3724  
unrequested leave of absence or its renewals in accordance with 3725  
section 3311.82 or 3319.16 of the Revised Code, and such 3726  
nonteaching school employee may have a hearing on such unrequested 3727  
leave of absence or its renewals in accordance with division (C) 3728  
of section 3319.081 of the Revised Code. Upon the return to 3729  
service of a teacher or a nonteaching school employee at the 3730  
expiration of a leave of absence, the teacher or nonteaching 3731  
school employee shall resume the contract status that the teacher 3732  
or nonteaching school employee held prior to the leave of absence. 3733  
Any teacher who leaves a teaching position for service in the 3734  
uniformed services and who returns from service in the uniformed 3735  
services that is terminated in a manner other than as described in 3736  
section 4304 of Title 38 of the United States Code, "Uniformed 3737  
Services Employment and Reemployment Rights Act of 1994," 108 3738  
Stat. 3149, 38 U.S.C.A. 4304, shall resume the contract status 3739  
held prior to entering the uniformed services, subject to passing 3740  
a physical examination by an individual authorized by the Revised 3741

Code to conduct physical examinations, including a physician 3742  
assistant, a clinical nurse specialist, a certified nurse 3743  
practitioner, or a certified nurse-midwife. Any written 3744  
documentation of the physical examination shall be completed by 3745  
the individual who conducted the examination. Such contract status 3746  
shall be resumed at the first of the school semester or the 3747  
beginning of the school year following return from the uniformed 3748  
services. For purposes of this section and section 3319.14 of the 3749  
Revised Code, "uniformed services" and "service in the uniformed 3750  
services" have the same meanings as defined in section 5923.05 of 3751  
the Revised Code. 3752

Upon the return of a nonteaching school employee from a leave 3753  
of absence, the board may terminate the employment of a person 3754  
hired exclusively for the purpose of replacing the returning 3755  
employee while the returning employee was on leave. If, after the 3756  
return of a nonteaching employee from leave, the person employed 3757  
exclusively for the purpose of replacing an employee while the 3758  
employee was on leave is continued in employment as a regular 3759  
nonteaching school employee or if the person is hired by the board 3760  
as a regular nonteaching school employee within a year after 3761  
employment as a replacement is terminated, the person shall, for 3762  
purposes of section 3319.081 of the Revised Code, receive credit 3763  
for the person's length of service with the school district during 3764  
such replacement period in the following manner: 3765

(A) If employed as a replacement for less than twelve months, 3766  
the person shall be employed under a contract valid for a period 3767  
equal to twelve months less the number of months employed as a 3768  
replacement. At the end of such contract period, if the person is 3769  
reemployed it shall be under a two-year contract. Subsequent 3770  
reemployment shall be pursuant to division (B) of section 3319.081 3771  
of the Revised Code. 3772

(B) If employed as a replacement for twelve months or more 3773

but less than twenty-four months, the person shall be employed 3774  
under a contract valid for a period equal to twenty-four months 3775  
less the number of months employed as a replacement. Subsequent 3776  
reemployment shall be pursuant to division (B) of section 3319.081 3777  
of the Revised Code. 3778

(C) If employed as a replacement for more than twenty-four 3779  
months, the person shall be employed pursuant to division (B) of 3780  
section 3319.081 of the Revised Code. 3781

For purposes of this section, employment during any part of a 3782  
month shall count as employment during the entire month. 3783

**Sec. 3319.14.** Any teacher who has left, or leaves, a teaching 3784  
position, by resignation or otherwise, and within forty school 3785  
days thereafter entered, or enters, the uniformed services and 3786  
whose service is terminated in a manner other than as described in 3787  
section 4304 of Title 38 of the United States Code, "Uniformed 3788  
Services Employment and Reemployment Rights Act of 1994," 108 3789  
Stat. 3149, 38 U.S.C.A. 4304, shall be reemployed by the board of 3790  
education of the district in which the teacher held such teaching 3791  
position, under the same type of contract as that which the 3792  
teacher last held in such district, if the teacher applies to the 3793  
board of education for reemployment in accordance with the 3794  
"Uniformed Services Employment and Reemployment Rights Act of 3795  
1994," 108 Stat. 3149, 38 U.S.C.A. 4312. Upon such application, 3796  
the teacher shall be reemployed at the first of the next school 3797  
semester, if the application is made not less than thirty days 3798  
prior to the first of the next school semester, in which case the 3799  
teacher shall be reemployed the first of the following school 3800  
semester, unless the board of education waives the requirement for 3801  
the thirty-day period. 3802

For the purposes of seniority and placement on the salary 3803  
schedule, years of absence performing service in the uniformed 3804

services shall be counted as though teaching service had been 3805  
performed during such time. 3806

The board of education of the district in which such teacher 3807  
was employed and is reemployed under this section may suspend the 3808  
contract of the teacher whose services become unnecessary by 3809  
reason of the return of a teacher from service in the uniformed 3810  
services in accordance with section 3311.83, 3319.17, or 3319.171 3811  
of the Revised Code. 3812

**Sec. 3319.141.** Each person who is employed by any board of 3813  
education in this state, except for substitutes, adult education 3814  
instructors who are scheduled to work the full-time equivalent of 3815  
less than one hundred twenty days per school year, or persons who 3816  
are employed on an as-needed, seasonal, or intermittent basis, 3817  
shall be entitled to fifteen days sick leave with pay, for each 3818  
year under contract, which shall be credited at the rate of one 3819  
and one-fourth days per month. Teachers and regular nonteaching 3820  
school employees, upon approval of the responsible administrative 3821  
officer of the school district, may use sick leave for absence due 3822  
to personal illness, pregnancy, injury, exposure to contagious 3823  
disease which could be communicated to others, and for absence due 3824  
to illness, injury, or death in the employee's immediate family. 3825  
Unused sick leave shall be cumulative up to one hundred twenty 3826  
work days, unless more than one hundred twenty days are approved 3827  
by the employing board of education. The previously accumulated 3828  
sick leave of a person who has been separated from public service, 3829  
whether accumulated pursuant to section 124.38 of the Revised Code 3830  
or pursuant to this section, shall be placed to the person's 3831  
credit upon re-employment in the public service, provided that 3832  
such re-employment takes place within ten years of the date of the 3833  
last termination from public service. A teacher or nonteaching 3834  
school employee who transfers from one public agency to another 3835  
shall be credited with the unused balance of the teacher's or 3836

nonteaching employee's accumulated sick leave up to the maximum of 3837  
the sick leave accumulation permitted in the public agency to 3838  
which the employee transfers. Teachers and nonteaching school 3839  
employees who render regular part-time, per diem, or hourly 3840  
service shall be entitled to sick leave for the time actually 3841  
worked at the same rate as that granted like full-time employees, 3842  
calculated in the same manner as the ratio of sick leave granted 3843  
to hours of service established by section 124.38 of the Revised 3844  
Code. Each board of education may establish regulations for the 3845  
entitlement, crediting and use of sick leave by those substitute 3846  
teachers employed by such board pursuant to section 3319.10 of the 3847  
Revised Code who are not otherwise entitled to sick leave pursuant 3848  
to such section. A board of education shall require a teacher or 3849  
nonteaching school employee to furnish a written, signed statement 3850  
on forms prescribed by such board to justify the use of sick 3851  
leave. If medical attention is required, the employee's statement 3852  
shall list the name and address of the attending physician and the 3853  
dates when the physician was consulted. Nothing in this section 3854  
shall be construed to waive the physician-patient privilege 3855  
provided by section 2317.02 of the Revised Code. Falsification of 3856  
a statement is grounds for suspension or termination of employment 3857  
under sections 3311.82, 3319.081, and 3319.16 of the Revised Code. 3858  
No sick leave shall be granted or credited to a teacher after the 3859  
teacher's retirement or termination of employment. 3860

Except to the extent used as sick leave, leave granted under 3861  
regulations adopted by a board of education pursuant to section 3862  
3311.77 or 3319.08 of the Revised Code shall not be charged 3863  
against sick leave earned or earnable under this section. Nothing 3864  
in this section shall be construed to affect in any other way the 3865  
granting of leave pursuant to section 3311.77 or 3319.08 of the 3866  
Revised Code and any granting of sick leave pursuant to such 3867  
section shall be charged against sick leave accumulated pursuant 3868  
to this section. 3869

This section shall not be construed to interfere with any 3870  
unused sick leave credit in any agency of government where 3871  
attendance records are maintained and credit has been given for 3872  
unused sick leave. Unused sick leave accumulated by teachers and 3873  
nonteaching school employees under section 124.38 of the Revised 3874  
Code shall continue to be credited toward the maximum accumulation 3875  
permitted in accordance with this section. Each newly hired 3876  
regular nonteaching and each regular nonteaching employee of any 3877  
board of education who has exhausted the employee's accumulated 3878  
sick leave shall be entitled to an advancement of not less than 3879  
five days of sick leave each year, as authorized by rules which 3880  
each board shall adopt, to be charged against the sick leave the 3881  
employee subsequently accumulates under this section. 3882

This section shall be uniformly administered. 3883

**Sec. 3319.143.** Notwithstanding section 3319.141 of the 3884  
Revised Code, the board of education of a city, exempted village, 3885  
local or joint vocational school district may adopt a policy of 3886  
assault leave by which an employee who is absent due to physical 3887  
disability resulting from an assault which occurs in the course of 3888  
board employment will be maintained on full pay status during the 3889  
period of such absence. A board of education electing to effect 3890  
such a policy of assault leave shall establish rules for the 3891  
entitlement, crediting, and use of assault leave and file a copy 3892  
of same with the state board of education. A board of education 3893  
adopting this policy shall require an employee to furnish a signed 3894  
statement on forms prescribed by such board to justify the use of 3895  
assault leave. If medical attention is required, a certificate 3896  
from a licensed physician stating the nature of the disability and 3897  
its duration shall be required before assault leave can be 3898  
approved for payment. Falsification of either a signed statement 3899  
or a physician's certificate is ground for suspension or 3900  
termination of employment under section 3311.82 or 3319.16 of the 3901

Revised Code. 3902

Assault leave granted under rules adopted by a board of 3903  
education pursuant to this section shall not be charged against 3904  
sick leave earned or earnable under section 3319.141 of the 3905  
Revised Code or leave granted under rules adopted by a board of 3906  
education pursuant to section 3311.77 or 3319.08 of the Revised 3907  
Code. This section shall be uniformly administered in those 3908  
districts where such policy is adopted. 3909

**Sec. 3319.151.** (A) No person shall reveal to any student any 3910  
specific question that the person knows is part of an assessment 3911  
to be administered under section 3301.0711 of the Revised Code or 3912  
in any other way assist a pupil to cheat on such an assessment. 3913

(B) On a finding by the state board of education, after 3914  
investigation, that a school employee who holds a license issued 3915  
under sections 3319.22 to 3319.31 of the Revised Code has violated 3916  
division (A) of this section, the license of such teacher shall be 3917  
suspended for one year. Prior to commencing an investigation, the 3918  
board shall give the teacher notice of the allegation and an 3919  
opportunity to respond and present a defense. 3920

(C)(1) Violation of division (A) of this section is grounds 3921  
for termination of employment of a nonteaching employee under 3922  
division (C) of section 3319.081 or section 124.34 of the Revised 3923  
Code. 3924

(2) Violation of division (A) of this section is grounds for 3925  
termination of a teacher contract under section 3311.82 or 3319.16 3926  
of the Revised Code. 3927

**Sec. 3319.18.** If an entire school district or that part of a 3928  
school district which comprises the territory in which a school is 3929  
situated is transferred to any other district, or if a new school 3930  
district is created, the teachers in such districts or schools 3931

employed on continuing contracts immediately prior to such 3932  
transfer, or creation shall, subject to section 3311.83, 3319.17, 3933  
or 3319.171 of the Revised Code, have continuing service status in 3934  
the newly created district, or in the district to which the 3935  
territory is transferred. 3936

The limited contracts of the teachers employed in such 3937  
districts or schools immediately prior to such transfer, or 3938  
creation, shall become the legal obligations of the board of 3939  
education in the newly created district, or in the district to 3940  
which the territory is transferred, subject to section 3311.83, 3941  
3319.17, or 3319.171 of the Revised Code. The teaching experience 3942  
of such teachers in such prior districts or schools shall be 3943  
included in the three years of service required under section 3944  
3319.11 of the Revised Code for a teacher to become eligible for 3945  
continuing service status. 3946

Teachers employed on limited or continuing contracts in an 3947  
entire school district or that part of a school district which 3948  
comprises the territory in which a school is situated which is 3949  
transferred to any other district or which is merged with other 3950  
school territory to create a new school district, shall be placed, 3951  
on the effective date of such transfer or merger, on the salary 3952  
schedule of the district to which the territory is transferred or 3953  
the newly created district, according to their training and 3954  
experience. Such experience shall be the total sum of the years 3955  
taught in the district whose territory was transferred or merged 3956  
to create a new district, plus the total number of years of 3957  
teaching experience recognized by such previous district upon its 3958  
first employment of such teachers. 3959

The placement of the teachers on the salary schedule, 3960  
pursuant to this section, shall not result, however, in the salary 3961  
of any teacher being less than the teacher's current annual salary 3962  
for regular duties, in existence immediately prior to the merger 3963



or transfer. 3964

When suspending contracts in accordance with an 3965  
administrative personnel suspension policy adopted under section 3966  
3319.171 of the Revised Code, a board may consider years of 3967  
teaching service in the previous district in its decision if it is 3968  
a part of the suspension policy. 3969

**Sec. 3319.283.** (A) The board of education of any school 3970  
district may employ an individual who is not certificated or 3971  
licensed as required by Chapter 3319. of the Revised Code, but who 3972  
meets the following qualifications, as a teacher in the schools of 3973  
the district: 3974

(1) The individual is a veteran of the armed forces of the 3975  
United States and was honorably discharged within three years of 3976  
June 30, 1997; 3977

(2) While in the armed forces the individual had meaningful 3978  
teaching or other instructional experience; 3979

(3) The individual holds at least a baccalaureate degree. 3980

(B) An individual employed under this section shall be deemed 3981  
to hold a teaching certificate or educator license for the 3982  
purposes of state and federal law and rules and regulations and 3983  
school district policies, rules, and regulations. However, an 3984  
individual employed under this section is not a highly qualified 3985  
teacher for purposes of the school district's compliance with 3986  
section 3319.074 of the Revised Code. Each individual employed 3987  
under this section shall meet the requirement to successfully 3988  
complete fifteen hours, or the equivalent, of coursework every 3989  
five years that is approved by the local professional development 3990  
committee as is required of other teachers licensed in accordance 3991  
with Chapter 3319. of the Revised Code. 3992

(C) The superintendent of public instruction may revoke the 3993

right of an individual employed under division (A) of this section 3994  
to teach if, after an investigation and an adjudication conducted 3995  
pursuant to Chapter 119. of the Revised Code, the superintendent 3996  
finds that the person is not competent to teach the subject the 3997  
person has been employed to teach or did not fulfill the 3998  
requirements of division (A) of this section. No individual whose 3999  
right to teach has been revoked under this division shall teach in 4000  
a public school, and no board of education may engage such an 4001  
individual to teach in the schools of its district. 4002

Notwithstanding division (B) of this section, a board of 4003  
education is not required to comply with the provisions of 4004  
sections 3311.81, 3311.82, 3319.11, and 3319.16 of the Revised 4005  
Code with regard to termination of employment if the 4006  
superintendent, after an investigation and an adjudication, has 4007  
revoked the individual's right to teach. 4008

**Sec. 4141.29.** Each eligible individual shall receive benefits 4009  
as compensation for loss of remuneration due to involuntary total 4010  
or partial unemployment in the amounts and subject to the 4011  
conditions stipulated in this chapter. 4012

(A) No individual is entitled to a waiting period or benefits 4013  
for any week unless the individual: 4014

(1) Has filed a valid application for determination of 4015  
benefit rights in accordance with section 4141.28 of the Revised 4016  
Code; 4017

(2) Has made a claim for benefits in accordance with section 4018  
4141.28 of the Revised Code; 4019

(3) Has registered at an employment office or other 4020  
registration place maintained or designated by the director of job 4021  
and family services. Registration shall be made in accordance with 4022  
the time limits, frequency, and manner prescribed by the director. 4023

(4)(a)(i) Is able to work and available for suitable work 4024  
and, except as provided in division (A)(4)(a)(ii) of this section, 4025  
is actively seeking suitable work either in a locality in which 4026  
the individual has earned wages subject to this chapter during the 4027  
individual's base period, or if the individual leaves that 4028  
locality, then in a locality where suitable work normally is 4029  
performed. 4030

(ii) The director may waive the requirement that a claimant 4031  
be actively seeking work when the director finds that the 4032  
individual has been laid off and the employer who laid the 4033  
individual off has notified the director within ten days after the 4034  
layoff, that work is expected to be available for the individual 4035  
within a specified number of days not to exceed forty-five 4036  
calendar days following the last day the individual worked. In the 4037  
event the individual is not recalled within the specified period, 4038  
this waiver shall cease to be operative with respect to that 4039  
layoff. 4040

(b) The individual shall be instructed as to the efforts that 4041  
the individual must make in the search for suitable work, except 4042  
where the active search for work requirement has been waived under 4043  
division (A)(4)(a) of this section, and shall keep a record of 4044  
where and when the individual has sought work in complying with 4045  
those instructions and, upon request, shall produce that record 4046  
for examination by the director. 4047

(c) An individual who is attending a training course approved 4048  
by the director meets the requirement of this division, if 4049  
attendance was recommended by the director and the individual is 4050  
regularly attending the course and is making satisfactory 4051  
progress. An individual also meets the requirements of this 4052  
division if the individual is participating and advancing in a 4053  
training program, as defined in division (P) of section 5709.61 of 4054  
the Revised Code, and if an enterprise, defined in division (B) of 4055

section 5709.61 of the Revised Code, is paying all or part of the 4056  
cost of the individual's participation in the training program 4057  
with the intention of hiring the individual for employment as a 4058  
new employee, as defined in division (L) of section 5709.61 of the 4059  
Revised Code, for at least ninety days after the individual's 4060  
completion of the training program. 4061

(d) An individual who becomes unemployed while attending a 4062  
regularly established school and whose base period qualifying 4063  
weeks were earned in whole or in part while attending that school, 4064  
meets the availability and active search for work requirements of 4065  
division (A)(4)(a) of this section if the individual regularly 4066  
attends the school during weeks with respect to which the 4067  
individual claims unemployment benefits and makes self available 4068  
on any shift of hours for suitable employment with the 4069  
individual's most recent employer or any other employer in the 4070  
individual's base period, or for any other suitable employment to 4071  
which the individual is directed, under this chapter. 4072

(e) The director shall adopt any rules that the director 4073  
deems necessary for the administration of division (A)(4) of this 4074  
section. 4075

(f) Notwithstanding any other provisions of this section, no 4076  
otherwise eligible individual shall be denied benefits for any 4077  
week because the individual is in training approved under section 4078  
236(a)(1) of the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 4079  
2296, nor shall that individual be denied benefits by reason of 4080  
leaving work to enter such training, provided the work left is not 4081  
suitable employment, or because of the application to any week in 4082  
training of provisions in this chapter, or any applicable federal 4083  
unemployment compensation law, relating to availability for work, 4084  
active search for work, or refusal to accept work. 4085

For the purposes of division (A)(4)(f) of this section, 4086  
"suitable employment" means with respect to an individual, work of 4087

a substantially equal or higher skill level than the individual's 4088  
past adversely affected employment, as defined for the purposes of 4089  
the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 2101, and 4090  
wages for such work at not less than eighty per cent of the 4091  
individual's average weekly wage as determined for the purposes of 4092  
that federal act. 4093

(5) Is unable to obtain suitable work. An individual who is 4094  
provided temporary work assignments by the individual's employer 4095  
under agreed terms and conditions of employment, and who is 4096  
required pursuant to those terms and conditions to inquire with 4097  
the individual's employer for available work assignments upon the 4098  
conclusion of each work assignment, is not considered unable to 4099  
obtain suitable employment if suitable work assignments are 4100  
available with the employer but the individual fails to contact 4101  
the employer to inquire about work assignments. 4102

(6) Participates in reemployment services, such as job search 4103  
assistance services, if the individual has been determined to be 4104  
likely to exhaust benefits under this chapter, including 4105  
compensation payable pursuant to 5 U.S.C.A. Chapter 85, other than 4106  
extended compensation, and needs reemployment services pursuant to 4107  
the profiling system established by the director under division 4108  
(K) of this section, unless the director determines that: 4109

(a) The individual has completed such services; or 4110

(b) There is justifiable cause for the claimant's failure to 4111  
participate in such services. 4112

(B) An individual suffering total or partial unemployment is 4113  
eligible for benefits for unemployment occurring subsequent to a 4114  
waiting period of one week and no benefits shall be payable during 4115  
this required waiting period. Not more than one week of waiting 4116  
period shall be required of any individual in any benefit year in 4117  
order to establish the individual's eligibility for total or 4118

partial unemployment benefits. 4119

(C) The waiting period for total or partial unemployment 4120  
shall commence on the first day of the first week with respect to 4121  
which the individual first files a claim for benefits at an 4122  
employment office or other place of registration maintained or 4123  
designated by the director or on the first day of the first week 4124  
with respect to which the individual has otherwise filed a claim 4125  
for benefits in accordance with the rules of the department of job 4126  
and family services, provided such claim is allowed by the 4127  
director. 4128

(D) Notwithstanding division (A) of this section, no 4129  
individual may serve a waiting period or be paid benefits under 4130  
the following conditions: 4131

(1) For any week with respect to which the director finds 4132  
that: 4133

(a) The individual's unemployment was due to a labor dispute 4134  
other than a lockout at any factory, establishment, or other 4135  
premises located in this or any other state and owned or operated 4136  
by the employer by which the individual is or was last employed; 4137  
and for so long as the individual's unemployment is due to such 4138  
labor dispute. No individual shall be disqualified under this 4139  
provision if either of the following applies: 4140

(i) The individual's employment was with such employer at any 4141  
factory, establishment, or premises located in this state, owned 4142  
or operated by such employer, other than the factory, 4143  
establishment, or premises at which the labor dispute exists, if 4144  
it is shown that the individual is not financing, participating 4145  
in, or directly interested in such labor dispute; 4146

(ii) The individual's employment was with an employer not 4147  
involved in the labor dispute but whose place of business was 4148  
located within the same premises as the employer engaged in the 4149

dispute, unless the individual's employer is a wholly owned 4150  
subsidiary of the employer engaged in the dispute, or unless the 4151  
individual actively participates in or voluntarily stops work 4152  
because of such dispute. If it is established that the claimant 4153  
was laid off for an indefinite period and not recalled to work 4154  
prior to the dispute, or was separated by the employer prior to 4155  
the dispute for reasons other than the labor dispute, or that the 4156  
individual obtained a bona fide job with another employer while 4157  
the dispute was still in progress, such labor dispute shall not 4158  
render the employee ineligible for benefits. 4159

(b) The individual has been given a disciplinary layoff for 4160  
misconduct in connection with the individual's work. 4161

(2) For the duration of the individual's unemployment if the 4162  
director finds that: 4163

(a) The individual quit work without just cause or has been 4164  
discharged for just cause in connection with the individual's 4165  
work, provided division (D)(2) of this section does not apply to 4166  
the separation of a person under any of the following 4167  
circumstances: 4168

(i) Separation from employment for the purpose of entering 4169  
the armed forces of the United States if the individual is 4170  
inducted into the armed forces within one of the following 4171  
periods: 4172

(I) Thirty days after separation; 4173

(II) One hundred eighty days after separation if the 4174  
individual's date of induction is delayed solely at the discretion 4175  
of the armed forces. 4176

(ii) Separation from employment pursuant to a 4177  
labor-management contract or agreement, or pursuant to an 4178  
established employer plan, program, or policy, which permits the 4179  
employee, because of lack of work, to accept a separation from 4180

employment; 4181

(iii) The individual has left employment to accept a recall 4182  
from a prior employer or, except as provided in division 4183  
(D)(2)(a)(iv) of this section, to accept other employment as 4184  
provided under section 4141.291 of the Revised Code, or left or 4185  
was separated from employment that was concurrent employment at 4186  
the time of the most recent separation or within six weeks prior 4187  
to the most recent separation where the remuneration, hours, or 4188  
other conditions of such concurrent employment were substantially 4189  
less favorable than the individual's most recent employment and 4190  
where such employment, if offered as new work, would be considered 4191  
not suitable under the provisions of divisions (E) and (F) of this 4192  
section. Any benefits that would otherwise be chargeable to the 4193  
account of the employer from whom an individual has left 4194  
employment or was separated from employment that was concurrent 4195  
employment under conditions described in division (D)(2)(a)(iii) 4196  
of this section, shall instead be charged to the mutualized 4197  
account created by division (B) of section 4141.25 of the Revised 4198  
Code, except that any benefits chargeable to the account of a 4199  
reimbursing employer under division (D)(2)(a)(iii) of this section 4200  
shall be charged to the account of the reimbursing employer and 4201  
not to the mutualized account, except as provided in division 4202  
(D)(2) of section 4141.24 of the Revised Code. 4203

(iv) When an individual has been issued a definite layoff 4204  
date by the individual's employer and before the layoff date, the 4205  
individual quits to accept other employment, the provisions of 4206  
division (D)(2)(a)(iii) of this section apply and no 4207  
disqualification shall be imposed under division (D) of this 4208  
section. However, if the individual fails to meet the employment 4209  
and earnings requirements of division (A)(2) of section 4141.291 4210  
of the Revised Code, then the individual, pursuant to division 4211  
(A)(5) of this section, shall be ineligible for benefits for any 4212



week of unemployment that occurs prior to the layoff date. 4213

(b) The individual has refused without good cause to accept 4214  
an offer of suitable work when made by an employer either in 4215  
person or to the individual's last known address, or has refused 4216  
or failed to investigate a referral to suitable work when directed 4217  
to do so by a local employment office of this state or another 4218  
state, provided that this division shall not cause a 4219  
disqualification for a waiting week or benefits under the 4220  
following circumstances: 4221

(i) When work is offered by the individual's employer and the 4222  
individual is not required to accept the offer pursuant to the 4223  
terms of the labor-management contract or agreement; or 4224

(ii) When the individual is attending a training course 4225  
pursuant to division (A)(4) of this section except, in the event 4226  
of a refusal to accept an offer of suitable work or a refusal or 4227  
failure to investigate a referral, benefits thereafter paid to 4228  
such individual shall not be charged to the account of any 4229  
employer and, except as provided in division (B)(1)(b) of section 4230  
4141.241 of the Revised Code, shall be charged to the mutualized 4231  
account as provided in division (B) of section 4141.25 of the 4232  
Revised Code. 4233

(c) Such individual quit work to marry or because of marital, 4234  
parental, filial, or other domestic obligations. 4235

(d) The individual became unemployed by reason of commitment 4236  
to any correctional institution. 4237

(e) The individual became unemployed because of dishonesty in 4238  
connection with the individual's most recent or any base period 4239  
work. Remuneration earned in such work shall be excluded from the 4240  
individual's total base period remuneration and qualifying weeks 4241  
that otherwise would be credited to the individual for such work 4242  
in the individual's base period shall not be credited for the 4243

purpose of determining the total benefits to which the individual 4244  
is eligible and the weekly benefit amount to be paid under section 4245  
4141.30 of the Revised Code. Such excluded remuneration and 4246  
noncredited qualifying weeks shall be excluded from the 4247  
calculation of the maximum amount to be charged, under division 4248  
(D) of section 4141.24 and section 4141.33 of the Revised Code, 4249  
against the accounts of the individual's base period employers. In 4250  
addition, no benefits shall thereafter be paid to the individual 4251  
based upon such excluded remuneration or noncredited qualifying 4252  
weeks. 4253

For purposes of division (D)(2)(e) of this section, 4254  
"dishonesty" means the commission of substantive theft, fraud, or 4255  
deceitful acts. 4256

(E) No individual otherwise qualified to receive benefits 4257  
shall lose the right to benefits by reason of a refusal to accept 4258  
new work if: 4259

(1) As a condition of being so employed the individual would 4260  
be required to join a company union, or to resign from or refrain 4261  
from joining any bona fide labor organization, or would be denied 4262  
the right to retain membership in and observe the lawful rules of 4263  
any such organization. 4264

(2) The position offered is vacant due directly to a strike, 4265  
lockout, or other labor dispute. 4266

(3) The work is at an unreasonable distance from the 4267  
individual's residence, having regard to the character of the work 4268  
the individual has been accustomed to do, and travel to the place 4269  
of work involves expenses substantially greater than that required 4270  
for the individual's former work, unless the expense is provided 4271  
for. 4272

(4) The remuneration, hours, or other conditions of the work 4273  
offered are substantially less favorable to the individual than 4274

those prevailing for similar work in the locality. 4275

(F) Subject to the special exceptions contained in division 4276  
(A)(4)(f) of this section and section 4141.301 of the Revised 4277  
Code, in determining whether any work is suitable for a claimant 4278  
in the administration of this chapter, the director, in addition 4279  
to the determination required under division (E) of this section, 4280  
shall consider the degree of risk to the claimant's health, 4281  
safety, and morals, the individual's physical fitness for the 4282  
work, the individual's prior training and experience, the length 4283  
of the individual's unemployment, the distance of the available 4284  
work from the individual's residence, and the individual's 4285  
prospects for obtaining local work. 4286

(G) The "duration of unemployment" as used in this section 4287  
means the full period of unemployment next ensuing after a 4288  
separation from any base period or subsequent work and until an 4289  
individual has become reemployed in employment subject to this 4290  
chapter, or the unemployment compensation act of another state, or 4291  
of the United States, and until such individual has worked six 4292  
weeks and for those weeks has earned or been paid remuneration 4293  
equal to six times an average weekly wage of not less than: 4294  
eighty-five dollars and ten cents per week beginning on June 26, 4295  
1990; and beginning on and after January 1, 1992, twenty-seven and 4296  
one-half per cent of the statewide average weekly wage as computed 4297  
each first day of January under division (B)(3) of section 4141.30 4298  
of the Revised Code, rounded down to the nearest dollar, except 4299  
for purposes of division (D)(2)(c) of this section, such term 4300  
means the full period of unemployment next ensuing after a 4301  
separation from such work and until such individual has become 4302  
reemployed subject to the terms set forth above, and has earned 4303  
wages equal to one-half of the individual's average weekly wage or 4304  
sixty dollars, whichever is less. 4305

(H) If a claimant is disqualified under division (D)(2)(a), 4306

(c), or (d) of this section or found to be qualified under the 4307  
exceptions provided in division (D)(2)(a)(i), (iii), or (iv) of 4308  
this section or division (A)(2) of section 4141.291 of the Revised 4309  
Code, then benefits that may become payable to such claimant, 4310  
which are chargeable to the account of the employer from whom the 4311  
individual was separated under such conditions, shall be charged 4312  
to the mutualized account provided in section 4141.25 of the 4313  
Revised Code, provided that no charge shall be made to the 4314  
mutualized account for benefits chargeable to a reimbursing 4315  
employer, except as provided in division (D)(2) of section 4141.24 4316  
of the Revised Code. In the case of a reimbursing employer, the 4317  
director shall refund or credit to the account of the reimbursing 4318  
employer any over-paid benefits that are recovered under division 4319  
(B) of section 4141.35 of the Revised Code. Amounts chargeable to 4320  
other states, the United States, or Canada that are subject to 4321  
agreements and arrangements that are established pursuant to 4322  
section 4141.43 of the Revised Code shall be credited or 4323  
reimbursed according to the agreements and arrangements to which 4324  
the chargeable amounts are subject. 4325

(I)(1) Benefits based on service in employment as provided in 4326  
divisions (B)(2)(a) and (b) of section 4141.01 of the Revised Code 4327  
shall be payable in the same amount, on the same terms, and 4328  
subject to the same conditions as benefits payable on the basis of 4329  
other service subject to this chapter; except that after December 4330  
31, 1977: 4331

(a) Benefits based on service in an instructional, research, 4332  
or principal administrative capacity in an institution of higher 4333  
education, as defined in division (Y) of section 4141.01 of the 4334  
Revised Code; or for an educational institution as defined in 4335  
division (CC) of section 4141.01 of the Revised Code, shall not be 4336  
paid to any individual for any week of unemployment that begins 4337  
during the period between two successive academic years or terms, 4338

or during a similar period between two regular but not successive 4339  
terms or during a period of paid sabbatical leave provided for in 4340  
the individual's contract, if the individual performs such 4341  
services in the first of those academic years or terms and has a 4342  
contract or a reasonable assurance that the individual will 4343  
perform services in any such capacity for any such institution in 4344  
the second of those academic years or terms. 4345

(b) Benefits based on service for an educational institution 4346  
or an institution of higher education in other than an 4347  
instructional, research, or principal administrative capacity, 4348  
shall not be paid to any individual for any week of unemployment 4349  
which begins during the period between two successive academic 4350  
years or terms of the employing educational institution or 4351  
institution of higher education, provided the individual performed 4352  
those services for the educational institution or institution of 4353  
higher education during the first such academic year or term and, 4354  
there is a reasonable assurance that such individual will perform 4355  
those services for any educational institution or institution of 4356  
higher education in the second of such academic years or terms. 4357

If compensation is denied to any individual for any week 4358  
under division (I)(1)(b) of this section and the individual was 4359  
not offered an opportunity to perform those services for an 4360  
institution of higher education or for an educational institution 4361  
for the second of such academic years or terms, the individual is 4362  
entitled to a retroactive payment of compensation for each week 4363  
for which the individual timely filed a claim for compensation and 4364  
for which compensation was denied solely by reason of division 4365  
(I)(1)(b) of this section. An application for retroactive benefits 4366  
shall be timely filed if received by the director or the 4367  
director's deputy within or prior to the end of the fourth full 4368  
calendar week after the end of the period for which benefits were 4369  
denied because of reasonable assurance of employment. The 4370

provision for the payment of retroactive benefits under division 4371  
(I)(1)(b) of this section is applicable to weeks of unemployment 4372  
beginning on and after November 18, 1983. The provisions under 4373  
division (I)(1)(b) of this section shall be retroactive to 4374  
September 5, 1982, only if, as a condition for full tax credit 4375  
against the tax imposed by the "Federal Unemployment Tax Act," 53 4376  
Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311, the United States 4377  
secretary of labor determines that retroactivity is required by 4378  
federal law. 4379

(c) With respect to weeks of unemployment beginning after 4380  
December 31, 1977, benefits shall be denied to any individual for 4381  
any week which commences during an established and customary 4382  
vacation period or holiday recess, if the individual performs any 4383  
services described in divisions (I)(1)(a) and (b) of this section 4384  
in the period immediately before the vacation period or holiday 4385  
recess, and there is a reasonable assurance that the individual 4386  
will perform any such services in the period immediately following 4387  
the vacation period or holiday recess. 4388

(d) With respect to any services described in division 4389  
(I)(1)(a), (b), or (c) of this section, benefits payable on the 4390  
basis of services in any such capacity shall be denied as 4391  
specified in division (I)(1)(a), (b), or (c) of this section to 4392  
any individual who performs such services in an educational 4393  
institution or institution of higher education while in the employ 4394  
of an educational service agency. For this purpose, the term 4395  
"educational service agency" means a governmental agency or 4396  
governmental entity that is established and operated exclusively 4397  
for the purpose of providing services to one or more educational 4398  
institutions or one or more institutions of higher education. 4399

(e) Any individual employed by a public school district, 4400  
other than a municipal school district as defined in section 4401  
3311.71 of the Revised Code, or a county board of developmental 4402

disabilities shall be notified by the thirtieth day of April each 4403  
year if the individual is not to be reemployed the following 4404  
academic year. 4405

(2) No disqualification will be imposed, between academic 4406  
years or terms or during a vacation period or holiday recess under 4407  
this division, unless the director or the director's deputy has 4408  
received a statement in writing from the educational institution 4409  
or institution of higher education that the claimant has a 4410  
contract for, or a reasonable assurance of, reemployment for the 4411  
ensuing academic year or term. 4412

(3) If an individual has employment with an educational 4413  
institution or an institution of higher education and employment 4414  
with a noneducational employer, during the base period of the 4415  
individual's benefit year, then the individual may become eligible 4416  
for benefits during the between-term, or vacation or holiday 4417  
recess, disqualification period, based on employment performed for 4418  
the noneducational employer, provided that the employment is 4419  
sufficient to qualify the individual for benefit rights separately 4420  
from the benefit rights based on school employment. The weekly 4421  
benefit amount and maximum benefits payable during a 4422  
disqualification period shall be computed based solely on the 4423  
nonschool employment. 4424

(J) Benefits shall not be paid on the basis of employment 4425  
performed by an alien, unless the alien had been lawfully admitted 4426  
to the United States for permanent residence at the time the 4427  
services were performed, was lawfully present for purposes of 4428  
performing the services, or was otherwise permanently residing in 4429  
the United States under color of law at the time the services were 4430  
performed, under section 212(d)(5) of the "Immigration and 4431  
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101: 4432

(1) Any data or information required of individuals applying 4433  
for benefits to determine whether benefits are not payable to them 4434

because of their alien status shall be uniformly required from all 4435  
applicants for benefits. 4436

(2) In the case of an individual whose application for 4437  
benefits would otherwise be approved, no determination that 4438  
benefits to the individual are not payable because of the 4439  
individual's alien status shall be made except upon a 4440  
preponderance of the evidence that the individual had not, in 4441  
fact, been lawfully admitted to the United States. 4442

(K) The director shall establish and utilize a system of 4443  
profiling all new claimants under this chapter that: 4444

(1) Identifies which claimants will be likely to exhaust 4445  
regular compensation and will need job search assistance services 4446  
to make a successful transition to new employment; 4447

(2) Refers claimants identified pursuant to division (K)(1) 4448  
of this section to reemployment services, such as job search 4449  
assistance services, available under any state or federal law; 4450

(3) Collects follow-up information relating to the services 4451  
received by such claimants and the employment outcomes for such 4452  
claimant's subsequent to receiving such services and utilizes such 4453  
information in making identifications pursuant to division (K)(1) 4454  
of this section; and 4455

(4) Meets such other requirements as the United States 4456  
secretary of labor determines are appropriate. 4457

**Sec. 5705.192.** (A) For the purposes of this section only, 4458  
"taxing authority" includes a township board of park commissioners 4459  
appointed under section 511.18 of the Revised Code. 4460

(B) A taxing authority may propose to replace an existing 4461  
levy that the taxing authority is authorized to levy, regardless 4462  
of the section of the Revised Code under which the authority is 4463  
granted, except a school district emergency levy proposed pursuant 4464



to sections 5705.194 to 5705.197 of the Revised Code. The taxing 4465  
authority may propose to replace the existing levy in its entirety 4466  
at the rate at which it is authorized to be levied; may propose to 4467  
replace a portion of the existing levy at a lesser rate; or may 4468  
propose to replace the existing levy in its entirety and increase 4469  
the rate at which it is levied. If the taxing authority proposes 4470  
to replace an existing levy, the proposed levy shall be called a 4471  
replacement levy and shall be so designated on the ballot. Except 4472  
as otherwise provided in this division, a replacement levy shall 4473  
be limited to the purpose of the existing levy, and shall appear 4474  
separately on the ballot from, and shall not be conjoined with, 4475  
the renewal of any other existing levy. In the case of an existing 4476  
school district levy imposed under section 5705.21 of the Revised 4477  
Code for the purpose specified in division (F) of section 5705.19 4478  
of the Revised Code, the replacement for that existing levy may be 4479  
for the same purpose or for the purpose of general permanent 4480  
improvements as defined in section 5705.21 of the Revised Code. 4481

The resolution proposing a replacement levy shall specify the 4482  
purpose of the levy; its proposed rate expressed in mills; whether 4483  
the proposed rate is the same as the rate of the existing levy, a 4484  
reduction, or an increase; the extent of any reduction or increase 4485  
expressed in mills; the first calendar year in which the levy will 4486  
be due; and the term of the levy, expressed in years or, if 4487  
applicable, that it will be levied for a continuing period of 4488  
time. 4489

The sections of the Revised Code governing the maximum rate 4490  
and term of the existing levy, the contents of the resolution that 4491  
proposed the levy, the adoption of the resolution, the 4492  
arrangements for the submission of the question of the levy, and 4493  
notice of the election also govern the respective provisions of 4494  
the proposal to replace the existing levy, except as provided in 4495  
~~division~~ divisions (B)(1) ~~or (2)~~ to (3) of this section: 4496

(1) In the case of an existing school district levy imposed 4497  
under section 5705.21 of the Revised Code for the purpose 4498  
specified in division (F) of section 5705.19 of the Revised Code 4499  
that is to be replaced by a levy for general permanent 4500  
improvements, the maximum term of the replacement levy is not 4501  
limited to the term of the existing levy and may be for a 4502  
continuing period of time. 4503

(2) The date on which the election is held shall be as 4504  
follows: 4505

(a) For the replacement of a levy with a fixed term of years, 4506  
the date of the general election held during the last year the 4507  
existing levy may be extended on the real and public utility 4508  
property tax list and duplicate, or the date of any election held 4509  
in the ensuing year; 4510

(b) For the replacement of a levy imposed for a continuing 4511  
period of time, the date of any election held in any year after 4512  
the year the levy to be replaced is first approved by the 4513  
electors, except that only one election on the question of 4514  
replacing the levy may be held during any calendar year. 4515

The failure by the electors to approve a proposal to replace 4516  
a levy imposed for a continuing period of time does not terminate 4517  
the existing continuing levy. 4518

(3) In the case of an existing school district levy imposed 4519  
under division (B) of section 5705.21, division (C) of section 4520  
5705.212, or division (J) of section 5705.218 of the Revised Code, 4521  
the rates allocated to the municipal school district and to 4522  
qualifying community schools each may be increased or decreased or 4523  
remain the same, and the total rate may be increased, decreased, 4524  
or remain the same. 4525

(C) The form of the ballot at the election on the question of 4526  
a replacement levy shall be as follows: 4527

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

	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

If the replacement levy is proposed by a municipal school district to replace an existing tax levied under division (B) of section 5705.21, division (C)(1) of section 5705.212, or division (J) of section 5705.218 of the Revised Code, the form of the ballot shall be modified by adding, after the phrase "each one dollar of valuation," the following: "(of which ..... mills is to be allocated to qualifying community schools)."

If the proposal is to replace an existing levy and increase the rate of the existing levy, the form of the ballot shall be changed by adding the words "..... mills of an existing levy and an increase of ..... mills, to constitute" after the words "a replacement of." If the proposal is to replace only a portion of an existing levy, the form of the ballot shall be changed by adding the words "a portion of an existing levy, being a reduction of ..... mills, to constitute" after the words "a replacement of." If the existing levy is imposed under division (B) of section 5705.21, division (C)(1) of section 5705.212, or division (J) of section 5705.218 of the Revised Code, the form of the ballot also shall state the portion of the total increased rate or of the total rate as reduced that is to be allocated to

qualifying community schools. 4560

If the tax is to be placed on the tax list of the current tax 4561  
year, the form of the ballot shall be modified by adding at the 4562  
end of the form the phrase ", commencing in ..... (first year 4563  
the replacement tax is to be levied), first due in calendar year 4564  
..... (first calendar year in which the tax shall be due)." 4565

The question covered by the resolution shall be submitted as 4566  
a separate proposition, but may be printed on the same ballot with 4567  
any other proposition submitted at the same election, other than 4568  
the election of officers. More than one such question may be 4569  
submitted at the same election. 4570

(D) Two existing levies, or any portion of those levies, may 4571  
be combined into one replacement levy, so long as both of the 4572  
existing levies are for the same purpose and either both are due 4573  
to expire the same year or both are for a continuing period of 4574  
time. The question of combining all or portions of the two 4575  
existing levies into the replacement levy shall appear as one 4576  
ballot proposition before the electors. If the electors approve 4577  
the ballot proposition, all or the stated portions of the two 4578  
existing levies are replaced by one replacement levy. 4579

(E) A levy approved in excess of the ten-mill limitation 4580  
under this section shall be certified to the tax commissioner. In 4581  
the first year of a levy approved under this section, the levy 4582  
shall be extended on the tax lists after the February settlement 4583  
succeeding the election at which the levy was approved. If the 4584  
levy is to be placed on the tax lists of the current year, as 4585  
specified in the resolution providing for its submission, the 4586  
result of the election shall be certified immediately after the 4587  
canvass by the board of elections to the taxing authority, which 4588  
shall forthwith make the necessary levy and certify it to the 4589  
county auditor, who shall extend it on the tax lists for 4590  
collection. After the first year, the levy shall be included in 4591

the annual tax budget that is certified to the county budget 4592  
commission. 4593

If notes are authorized to be issued in anticipation of the 4594  
proceeds of the existing levy, notes may be issued in anticipation 4595  
of the proceeds of the replacement levy, and such issuance is 4596  
subject to the terms and limitations governing the issuance of 4597  
notes in anticipation of the proceeds of the existing levy. 4598

(F) This section does not authorize a tax to be levied in any 4599  
year after the year in which revenue is not needed for the purpose 4600  
for which the tax is levied. 4601

**Sec. 5705.21.** (A) At any time, the board of education of any 4602  
city, local, exempted village, cooperative education, or joint 4603  
vocational school district, by a vote of two-thirds of all its 4604  
members, may declare by resolution that the amount of taxes which 4605  
may be raised within the ten-mill limitation by levies on the 4606  
current tax duplicate will be insufficient to provide an adequate 4607  
amount for the necessary requirements of the school district, that 4608  
it is necessary to levy a tax in excess of such limitation for one 4609  
of the purposes specified in division (A), (D), (F), (H), or (DD) 4610  
of section 5705.19 of the Revised Code, for general permanent 4611  
improvements, for the purpose of operating a cultural center, or 4612  
for the purpose of providing education technology, and that the 4613  
question of such additional tax levy shall be submitted to the 4614  
electors of the school district at a special election on a day to 4615  
be specified in the resolution. If the resolution states that the 4616  
levy is for the purpose of operating a cultural center, the ballot 4617  
shall state that the levy is "for the purpose of operating the 4618  
..... (name of cultural center)." 4619

As used in this ~~section~~ division, "cultural center" means a 4620  
freestanding building, separate from a public school building, 4621  
that is open to the public for educational, musical, artistic, and 4622

cultural purposes; "education technology" means, but is not 4623  
limited to, computer hardware, equipment, materials, and 4624  
accessories, equipment used for two-way audio or video, and 4625  
software; and "general permanent improvements" means permanent 4626  
improvements without regard to the limitation of division (F) of 4627  
section 5705.19 of the Revised Code that the improvements be a 4628  
specific improvement or a class of improvements that may be 4629  
included in a single bond issue. 4630

~~The submission of questions to the electors under this 4631  
section is subject to the limitation on the number of election 4632  
dates established by section 5705.214 of the Revised Code. 4633~~

~~(B) Such~~ A resolution adopted under this division shall be 4634  
confined to a single purpose and shall specify the amount of the 4635  
increase in rate that it is necessary to levy, the purpose of the 4636  
levy, and the number of years during which the increase in rate 4637  
shall be in effect. The number of years may be any number not 4638  
exceeding five or, if the levy is for current expenses of the 4639  
district or for general permanent improvements, for a continuing 4640  
period of time. The 4641

(B)(1) The board of education of a municipal school district, 4642  
by resolution, may declare that it is necessary to levy a tax in 4643  
excess of the ten-mill limitation for the purpose of paying the 4644  
current expenses of the district and of qualifying community 4645  
schools and that the question of the additional tax levy shall be 4646  
submitted to the electors of the school district at a special 4647  
election on a day to be specified in the resolution. The 4648  
resolution shall state the purpose of the levy, the rate of the 4649  
tax expressed in mills per dollar of taxable value, the number of 4650  
such mills to be levied for the current expenses of the qualifying 4651  
community schools and the number of such mills to be levied for 4652  
the current expenses of the school district, the number of years 4653  
the tax will be levied, and the first year the tax will be levied. 4654

The number of years the tax may be levied may be any number not exceeding ten years, or for a continuing period of time. 4655  
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The levy of a tax for the current expenses of a qualifying community school under this section and the distribution of proceeds from the tax by a municipal school district to qualifying community schools is hereby determined to be a proper public purpose. 4657  
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(2) The form of the ballot at an election held pursuant to division (B) of this section shall be as follows: 4662  
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"Shall a levy be imposed by the ..... (insert the name of the municipal school district) for the purpose of current expenses of the school district and of qualifying community schools at a rate not exceeding ..... (insert the number of mills) mills for each one dollar of valuation (of which ..... (insert the number of mills to be allocated to qualifying community schools) mills is to be allocated to qualifying community schools), which amounts to ..... (insert the rate expressed in dollars and cents) for each one hundred dollars of valuation, for ..... (insert the number of years the levy is to be imposed, or that it will be levied for a continuing period of time), beginning ..... (insert first year the tax is to be levied), which will first be payable in calendar year ..... (insert the first calendar year in which the tax would be payable)? 4664  
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	<u>FOR THE TAX LEVY</u>	"
	<u>AGAINST THE TAX LEVY</u>	

(3) Upon each receipt of a tax distribution by the municipal school district, the board of education shall credit the portion allocated to qualifying community schools to the qualifying community schools fund. All income from the investment of money in the qualifying community schools fund shall be credited to that fund. 4678  
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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 then eligible to receive funds under this section. 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 to the department of education each agreement between the board and a qualifying community school referred to in division (B)(6)(b) of this section, along with the determination that such agreement satisfies the requirements of that 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. 4718  
4719

(b) "Qualifying community school" means a community school established under Chapter 3314. of the Revised Code that is located within the territory of the municipal school district and that is either sponsored by the district or a party to an agreement with the district identifying goals for the community school's educational, financial, and management progress and accountability standards by which the community school's progress is to be measured. 4720  
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(c) "Qualifying community schools amount" means the product obtained, as of the receipt and deposit of the tax distribution, by multiplying the amount of a tax distribution by a fraction, the numerator of which is the number of mills per dollar of taxable value of the property tax to be allocated to qualifying community schools, and the denominator of which is the total number of mills per dollar of taxable value authorized by the electors in the election held under division (B) of this section, each as set forth in the resolution levying the tax. 4728  
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(d) "Qualifying community schools fund" means a separate fund established by the board of education of a municipal school district for the deposit of qualifying community school amounts under this section. 4737  
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(e) "Resident student" means a student enrolled in a qualifying community school who is entitled to attend school in the municipal school district under section 3313.64 or 3313.65 of the Revised Code. 4741  
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(f) "Tax distribution" means a distribution of proceeds of the tax authorized by division (B) of this section under section 321.24 of the Revised Code and distributions that are attributable to that tax under sections 323.156 and 4503.068 of the Revised 4745  
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Code or other applicable law. 4749

(C) A resolution adopted under this section shall specify the 4750  
date of holding ~~such~~ the election, which shall not be earlier than 4751  
ninety days after the adoption and certification of the resolution 4752  
and which shall be consistent with the requirements of section 4753  
3501.01 of the Revised Code. 4754

~~The~~ A resolution adopted under this section may propose to 4755  
renew one or more existing levies imposed under division (A) or 4756  
(B) of this section or to increase or decrease a single levy 4757  
imposed under ~~this section~~ either such division. ~~If~~ 4758

If the board of education imposes one or more existing levies 4759  
for the purpose specified in division (F) of section 5705.19 of 4760  
the Revised Code, the resolution may propose to renew one or more 4761  
of those existing levies, or to increase or decrease a single such 4762  
existing levy, for the purpose of general permanent improvements. 4763  
~~If~~ 4764

If the resolution proposes to renew two or more existing 4765  
levies, the levies shall be levied for the same purpose. The 4766  
resolution shall identify those levies and the rates at which they 4767  
are levied. The resolution also shall specify that the existing 4768  
levies shall not be extended on the tax lists after the year 4769  
preceding the year in which the renewal levy is first imposed, 4770  
regardless of the years for which those levies originally were 4771  
authorized to be levied. 4772

If the resolution proposes to renew an existing levy imposed 4773  
under division (B) of this section, the rates allocated to the 4774  
municipal school district and to qualifying community schools each 4775  
may be increased or decreased or remain the same, and the total 4776  
rate may be increased, decreased, or remain the same. The 4777  
resolution and notice of election shall specify the number of the 4778  
mills to be levied for the current expenses of the qualifying 4779

community schools and the number of the mills to be levied for the 4780  
current expenses of the municipal school district. 4781

The A resolution adopted under this section shall go into 4782  
immediate effect upon its passage, and no publication of the 4783  
resolution shall be necessary other than that provided for in the 4784  
notice of election. A copy of the resolution shall immediately 4785  
after its passing be certified to the board of elections of the 4786  
proper county in the manner provided by section 5705.25 of the 4787  
Revised Code, ~~and that. That~~ section shall govern the arrangements 4788  
for the submission of such question and other matters concerning 4789  
~~such the~~ election, to which that section refers, including 4790  
publication of notice of the election, except that ~~such the~~ 4791  
election shall be held on the date specified in the resolution. 4792  
~~Publication of notice of that election shall be made in a~~ 4793  
~~newspaper of general circulation in the county once a week for two~~ 4794  
~~consecutive weeks, or as provided in section 7.16 of the Revised~~ 4795  
~~Code, prior to the election. If the board of elections operates~~ 4796  
~~and maintains a web site, the board of elections shall post notice~~ 4797  
~~of the election on its web site for thirty days prior to the~~ 4798  
~~election. In the case of a resolution adopted under division (B)~~ 4799  
of this section, the publication of notice of that election shall 4800  
state the number of the mills to be levied for the current 4801  
expenses of qualifying community schools and the number of the 4802  
mills to be levied for the current expenses of the municipal 4803  
school district. If a majority of the electors voting on the 4804  
question so submitted in an election vote in favor of the levy, 4805  
the board of education may make the necessary levy within the 4806  
school district at the additional rate, or at any lesser rate in 4807  
excess of the ten-mill limitation on the tax list, for the purpose 4808  
stated in the resolution. A levy for a continuing period of time 4809  
may be reduced pursuant to section 5705.261 of the Revised Code. 4810  
The tax levy shall be included in the next tax budget that is 4811  
certified to the county budget commission. 4812

~~(C)~~(D)(1) After the approval of a levy on the current tax 4813  
list and duplicate for current expenses, for recreational 4814  
purposes, for community centers provided for in section 755.16 of 4815  
the Revised Code, or for a public library of the district under 4816  
division (A) of this section, and prior to the time when the first 4817  
tax collection from the levy can be made, the board of education 4818  
may anticipate a fraction of the proceeds of the levy and issue 4819  
anticipation notes in a principal amount not exceeding fifty per 4820  
cent of the total estimated proceeds of the levy to be collected 4821  
during the first year of the levy. 4822

(2) After the approval of a levy for general permanent 4823  
improvements for a specified number of years, or for permanent 4824  
improvements having the purpose specified in division (F) of 4825  
section 5705.19 of the Revised Code, the board of education may 4826  
anticipate a fraction of the proceeds of the levy and issue 4827  
anticipation notes in a principal amount not exceeding fifty per 4828  
cent of the total estimated proceeds of the levy remaining to be 4829  
collected in each year over a period of five years after the 4830  
issuance of the notes. 4831

The notes shall be issued as provided in section 133.24 of 4832  
the Revised Code, shall have principal payments during each year 4833  
after the year of their issuance over a period not to exceed five 4834  
years, and may have a principal payment in the year of their 4835  
issuance. 4836

(3) After approval of a levy for general permanent 4837  
improvements for a continuing period of time, the board of 4838  
education may anticipate a fraction of the proceeds of the levy 4839  
and issue anticipation notes in a principal amount not exceeding 4840  
fifty per cent of the total estimated proceeds of the levy to be 4841  
collected in each year over a specified period of years, not 4842  
exceeding ten, after the issuance of the notes. 4843

The notes shall be issued as provided in section 133.24 of 4844

the Revised Code, shall have principal payments during each year 4845  
after the year of their issuance over a period not to exceed ten 4846  
years, and may have a principal payment in the year of their 4847  
issuance. 4848

(4) After the approval of a levy on the current tax list and 4849  
duplicate under division (B) of this section, and prior to the 4850  
time when the first tax collection from the levy can be made, the 4851  
board of education may anticipate a fraction of the proceeds of 4852  
the levy for the current expenses of the school district and issue 4853  
anticipation notes in a principal amount not exceeding fifty per 4854  
cent of the estimated proceeds of the levy to be collected during 4855  
the first year of the levy and allocated to the school district. 4856  
The portion of the levy proceeds to be allocated to qualifying 4857  
community schools under that division shall not be included in the 4858  
estimated proceeds anticipated under this division and shall not 4859  
be used to pay debt charges on any anticipation notes. 4860

The notes shall be issued as provided in section 133.24 of 4861  
the Revised Code, shall have principal payments during each year 4862  
after the year of their issuance over a period not to exceed five 4863  
years, and may have a principal payment in the year of their 4864  
issuance. 4865

(E) The submission of questions to the electors under this 4866  
section is subject to the limitation on the number of election 4867  
dates established by section 5705.214 of the Revised Code. 4868

**Sec. 5705.212.** (A)(1) The board of education of any school 4869  
district, at any time and by a vote of two-thirds of all of its 4870  
members, may declare by resolution that the amount of taxes that 4871  
may be raised within the ten-mill limitation will be insufficient 4872  
to provide an adequate amount for the present and future 4873  
requirements of the school district, that it is necessary to levy 4874  
not more than five taxes in excess of that limitation for current 4875

expenses, and that each of the proposed taxes first will be levied 4876  
in a different year, over a specified period of time. The board 4877  
shall identify the taxes proposed under this section as follows: 4878  
the first tax to be levied shall be called the "original tax." 4879  
Each tax subsequently levied shall be called an "incremental tax." 4880  
The rate of each incremental tax shall be identical, but the rates 4881  
of such incremental taxes need not be the same as the rate of the 4882  
original tax. The resolution also shall state that the question of 4883  
these additional taxes shall be submitted to the electors of the 4884  
school district at a special election. The resolution shall 4885  
specify separately for each tax proposed: the amount of the 4886  
increase in rate that it is necessary to levy, expressed 4887  
separately for the original tax and each incremental tax; that the 4888  
purpose of the levy is for current expenses; the number of years 4889  
during which the original tax shall be in effect; a specification 4890  
that the last year in which the original tax is in effect shall 4891  
also be the last year in which each incremental tax shall be in 4892  
effect; and the year in which each tax first is proposed to be 4893  
levied. The original tax may be levied for any number of years not 4894  
exceeding ten, or for a continuing period of time. The resolution 4895  
shall specify the date of holding the special election, which 4896  
shall not be earlier than ninety days after the adoption and 4897  
certification of the resolution and shall be consistent with the 4898  
requirements of section 3501.01 of the Revised Code. 4899

(2) The board of education, by a vote of two-thirds of all of 4900  
its members, may adopt a resolution proposing to renew taxes 4901  
levied other than for a continuing period of time under division 4902  
(A)(1) of this section. Such a resolution shall provide for 4903  
levying a tax and specify all of the following: 4904

(a) That the tax shall be called and designated on the ballot 4905  
as a renewal levy; 4906

(b) The rate of the renewal tax, which shall be a single rate 4907

that combines the rate of the original tax and each incremental 4908  
tax into a single rate. The rate of the renewal tax shall not 4909  
exceed the aggregate rate of the original and incremental taxes. 4910

(c) The number of years, not to exceed ten, that the renewal 4911  
tax will be levied, or that it will be levied for a continuing 4912  
period of time; 4913

(d) That the purpose of the renewal levy is for current 4914  
expenses; 4915

(e) Subject to the certification and notification 4916  
requirements of section 5705.251 of the Revised Code, that the 4917  
question of the renewal levy shall be submitted to the electors of 4918  
the school district at the general election held during the last 4919  
year the original tax may be extended on the real and public 4920  
utility property tax list and duplicate or at a special election 4921  
held during the ensuing year. 4922

(3) A resolution adopted under division (A)(1) or (2) of this 4923  
section shall go into immediate effect upon its adoption and no 4924  
publication of the resolution is necessary other than that 4925  
provided for in the notice of election. Immediately after its 4926  
adoption, a copy of the resolution shall be certified to the board 4927  
of elections of the proper county in the manner provided by 4928  
division (A) of section 5705.251 of the Revised Code, and that 4929  
division shall govern the arrangements for the submission of the 4930  
question and other matters concerning the election to which that 4931  
section refers. The election shall be held on the date specified 4932  
in the resolution. If a majority of the electors voting on the 4933  
question so submitted in an election vote in favor of the taxes or 4934  
a renewal tax, the board of education, if the original or a 4935  
renewal tax is authorized to be levied for the current year, 4936  
immediately may make the necessary levy within the school district 4937  
at the authorized rate, or at any lesser rate in excess of the 4938  
ten-mill limitation, for the purpose stated in the resolution. No 4939

tax shall be imposed prior to the year specified in the resolution 4940  
as the year in which it is first proposed to be levied. The rate 4941  
of the original tax and the rate of each incremental tax shall be 4942  
cumulative, so that the aggregate rate levied in any year is the 4943  
sum of the rates of both the original tax and all incremental 4944  
taxes levied in or prior to that year under the same proposal. A 4945  
tax levied for a continuing period of time under this section may 4946  
be reduced pursuant to section 5705.261 of the Revised Code. 4947

~~(4) The submission of questions to the electors under this 4948  
section is subject to the limitation on the number of election 4949  
dates established by section 5705.214 of the Revised Code. 4950~~

(B) Notwithstanding ~~sections~~ section 133.30 and ~~133.301~~ of 4951  
the Revised Code, after the approval of a tax to be levied in the 4952  
current or the succeeding year and prior to the time when the 4953  
first tax collection from that levy can be made, the board of 4954  
education may anticipate a fraction of the proceeds of the levy 4955  
and issue anticipation notes in an amount not to exceed fifty per 4956  
cent of the total estimated proceeds of the levy to be collected 4957  
during the first year of the levy. The notes shall be sold as 4958  
provided in Chapter 133. of the Revised Code. If anticipation 4959  
notes are issued, they shall mature serially and in substantially 4960  
equal amounts during each year over a period not to exceed five 4961  
years; and the amount necessary to pay the interest and principal 4962  
as the anticipation notes mature shall be deemed appropriated for 4963  
those purposes from the levy, and appropriations from the levy by 4964  
the board of education shall be limited each fiscal year to the 4965  
balance available in excess of that amount. 4966

If the auditor of state has certified a deficit pursuant to 4967  
section 3313.483 of the Revised Code, the notes authorized under 4968  
this section may be sold in accordance with Chapter 133. of the 4969  
Revised Code, except that the board may sell the notes after 4970  
providing a reasonable opportunity for competitive bidding. 4971



(C)(1) The board of education of a municipal school district, 4972  
at any time and by a vote of two-thirds of all its members, may 4973  
declare by resolution that it is necessary to levy not more than 4974  
five taxes in excess of the ten-mill limitation for the current 4975  
expenses of the school district and of qualifying community 4976  
schools, and that each of the proposed taxes first will be levied 4977  
in a different year, over a specified period of time. The board 4978  
shall identify the taxes proposed under this division in the same 4979  
manner as in division (A)(1) of this section. The rate of each 4980  
incremental tax shall be identical, but the rates of such 4981  
incremental taxes need not be the same as the rate of the original 4982  
tax. In addition to the specifications required of the resolution 4983  
in division (A) of this section, the resolution shall state the 4984  
number of the mills to be levied each year for the current 4985  
expenses of the qualifying community schools and the number of the 4986  
mills to be levied each year for the current expenses of the 4987  
school district. The number of mills for the current expenses of 4988  
qualifying community schools shall be the same for each of the 4989  
incremental taxes, and the number of mills for the current 4990  
expenses of the municipal school district shall be the same for 4991  
each of the incremental taxes. 4992

The levy of taxes for the current expenses of a qualifying 4993  
community school under division (C) of this section and the 4994  
distribution of proceeds from the tax by a municipal school 4995  
district to qualifying community schools is hereby determined to 4996  
be a proper public purpose. 4997

(2) The board of education, by a vote of two-thirds of all of 4998  
its members, may adopt a resolution proposing to renew taxes 4999  
levied other than for a continuing period of time under division 5000  
(C)(1) of this section. In such a renewal levy, the rates 5001  
allocated to the municipal school district and to qualifying 5002  
community schools each may be increased or decreased or remain the 5003

same, and the total rate may be increased, decreased, or remain 5004  
the same. In addition to the requirements of division (A)(2) of 5005  
this section, the resolution shall state the number of the mills 5006  
to be levied for the current expenses of the qualifying community 5007  
schools and the number of the mills to be levied for the current 5008  
expenses of the school district. 5009

(3) A resolution adopted under division (C)(1) or (2) of this 5010  
section is subject to the rules and procedures prescribed by 5011  
division (A)(3) of this section. 5012

(4) The proceeds of each tax levied under division (C)(1) or 5013  
(2) of this section shall be credited and distributed in the 5014  
manner prescribed by division (B)(3) of section 5705.21 of the 5015  
Revised Code, and divisions (B)(4), (5), and (6) of that section 5016  
apply to taxes levied under division (C) of this section. 5017

(5) Notwithstanding section 133.30 of the Revised Code, after 5018  
the approval of a tax to be levied under division (C)(1) or (2) of 5019  
this section, in the current or succeeding year and prior to the 5020  
time when the first tax collection from that levy can be made, the 5021  
board of education may anticipate a fraction of the proceeds of 5022  
the levy for the current expenses of the municipal school district 5023  
and issue anticipation notes in a principal amount not exceeding 5024  
fifty per cent of the estimated proceeds of the levy to be 5025  
collected during the first year of the levy and allocated to the 5026  
school district. The portion of levy proceeds to be allocated to 5027  
qualifying community schools shall not be included in the 5028  
estimated proceeds anticipated under this division and shall not 5029  
be used to pay debt charges on any anticipation notes. 5030

The notes shall be sold as provided in Chapter 133. of the 5031  
Revised Code. If anticipation notes are issued, they shall mature 5032  
serially and in substantially equal amounts during each year over 5033  
a period not to exceed five years. The amount necessary to pay the 5034  
interest and principal as the anticipation notes mature shall be 5035

deemed appropriated for those purposes from the levy, and 5036  
appropriations from the levy by the board of education shall be 5037  
limited each fiscal year to the balance available in excess of 5038  
that amount. 5039

If the auditor of state has certified a deficit pursuant to 5040  
section 3313.483 of the Revised Code, the notes authorized under 5041  
this section may be sold in accordance with Chapter 133. of the 5042  
Revised Code, except that the board may sell the notes after 5043  
providing a reasonable opportunity for competitive bidding. 5044

As used in division (C) of this section, "municipal school 5045  
district" and "qualifying community schools" have the same 5046  
meanings as in section 5705.21 of the Revised Code. 5047

(D) The submission of questions to the electors under this 5048  
section is subject to the limitation on the number of election 5049  
dates established by section 5705.214 of the Revised Code. 5050

**Sec. 5705.215.** (A) The governing board of an educational 5051  
service center that is the taxing authority of a county school 5052  
financing district, upon receipt of identical resolutions adopted 5053  
within a sixty-day period by a majority of the members of the 5054  
board of education of each school district that is within the 5055  
territory of the county school financing district, may submit a 5056  
tax levy to the electors of the territory in the same manner as a 5057  
school board may submit a levy under division ~~(B)~~(C) of section 5058  
5705.21 of the Revised Code, except that: 5059

(1) The levy may be for a period not to exceed ten years, or, 5060  
if the levy is solely for the purpose or purposes described in 5061  
division (A)(2)(a) or (c) of this section, for a continuing period 5062  
of time. 5063

(2) The purpose of the levy shall be one or more of the 5064  
following: 5065

(a) For current expenses for the provision of special education and related services within the territory of the district;	5066 5067 5068
(b) For permanent improvements within the territory of the district for special education and related services;	5069 5070
(c) For current expenses for specified educational programs within the territory of the district;	5071 5072
(d) For permanent improvements within the territory of the district for specified educational programs;	5073 5074
(e) For permanent improvements within the territory of the district.	5075 5076
(B) If the levy provides for but is not limited to current expenses, the resolutions shall apportion the annual rate of the levy between current expenses and the other purposes. The apportionment need not be the same for each year of the levy, but the respective portions of the rate actually levied each year for current expenses and the other purposes shall be limited by that apportionment.	5077 5078 5079 5080 5081 5082 5083
(C) Prior to the application of section 319.301 of the Revised Code, the rate of a levy that is limited to, or to the extent that it is apportioned to, purposes other than current expenses shall be reduced in the same proportion in which the district's total valuation increases during the life of the levy because of additions to such valuation that have resulted from improvements added to the tax list and duplicate.	5084 5085 5086 5087 5088 5089 5090
(D) After the approval of a county school financing district levy under this section, the taxing authority may anticipate a fraction of the proceeds of such levy and may from time to time during the life of such levy, but in any given year prior to the time when the tax collection from such levy can be made for that year, issue anticipation notes in an amount not exceeding fifty	5091 5092 5093 5094 5095 5096

per cent of the estimated proceeds of the levy to be collected in 5097  
each year up to a period of five years after the date of the 5098  
issuance of such notes, less an amount equal to the proceeds of 5099  
such levy obligated for each year by the issuance of anticipation 5100  
notes, provided that the total amount maturing in any one year 5101  
shall not exceed fifty per cent of the anticipated proceeds of the 5102  
levy for that year. Each issue of notes shall be sold as provided 5103  
in Chapter 133. of the Revised Code, and shall, except for such 5104  
limitation that the total amount of such notes maturing in any one 5105  
year shall not exceed fifty per cent of the anticipated proceeds 5106  
of such levy for that year, mature serially in substantially equal 5107  
installments during each year over a period not to exceed five 5108  
years after their issuance. 5109

(E)(1) In a resolution to be submitted to the taxing 5110  
authority of a county school financing district under division (A) 5111  
of this section calling for a ballot issue on the question of the 5112  
levying of a tax for a continuing period of time by the taxing 5113  
authority, the board of education of a school district that is 5114  
part of the territory of the county school financing district also 5115  
may propose to reduce the rate of one or more of that school 5116  
district's property taxes levied for a continuing period of time 5117  
in excess of the ten-mill limitation. The reduction in the rate of 5118  
a property tax may be any amount, expressed in mills per one 5119  
dollar of valuation, not exceeding the rate at which the tax is 5120  
authorized to be levied. The reduction in the rate of a tax shall 5121  
first take effect in the same year that the county school 5122  
financing district tax takes effect, and shall continue for each 5123  
year that the county school financing district tax is in effect. A 5124  
board of education's resolution proposing to reduce the rate of 5125  
one or more of its school district property taxes shall 5126  
specifically identify each such tax and shall state for each tax 5127  
the maximum rate at which it currently may be levied and the 5128  
maximum rate at which it could be levied after the proposed 5129

reduction, expressed in mills per one dollar of valuation. 5130

Before submitting the resolution to the taxing authority of 5131  
the county school financing district, the board of education of 5132  
the school district shall certify a copy of it to the tax 5133  
commissioner. Within ten days of receiving the copy, the tax 5134  
commissioner shall certify to the board the reduction in the 5135  
school district's total effective tax rate for each class of 5136  
property that would have resulted if the proposed reduction in the 5137  
rate or rates had been in effect the previous year. After 5138  
receiving the certification from the commissioner, the board may 5139  
amend its resolution to change the proposed property tax rate 5140  
reduction before submitting the resolution to the financing 5141  
district taxing authority. As used in this paragraph, "effective 5142  
tax rate" has the same meaning as in section 323.08 of the Revised 5143  
Code. 5144

If the board of education of a school district that is part 5145  
of the territory of a county school financing district adopts a 5146  
resolution proposing to reduce the rate of one or more of its 5147  
property taxes in conjunction with the levying of a tax by the 5148  
financing district, the resolution submitted by the board to the 5149  
taxing authority of the financing district under division (A) of 5150  
this section does not have to be identical in this respect to the 5151  
resolutions submitted by the boards of education of the other 5152  
school districts that are part of the territory of the county 5153  
school financing district. 5154

(2) Each school district that is part of the territory of a 5155  
county school financing district may tailor to its own situation a 5156  
proposed reduction in one or more property tax rates in 5157  
conjunction with the proposed levying of a tax by the county 5158  
school financing district; if one such school district proposes a 5159  
reduction in one or more tax rates, another school district may 5160  
propose a reduction of a different size or may propose no 5161

reduction. Within each school district that is part of the 5162  
territory of the county school financing district, the electors 5163  
shall vote on one ballot issue combining the question of the 5164  
levying of the tax by the taxing authority of the county school 5165  
financing district with, if any such reduction is proposed, the 5166  
question of the reduction in the rate of one or more taxes of the 5167  
school district. If a majority of the electors of the county 5168  
school financing district voting on the question of the proposed 5169  
levying of a tax by the taxing authority of the financing district 5170  
vote to approve the question, any tax reductions proposed by 5171  
school districts that are part of the territory of the financing 5172  
district also are approved. 5173

(3) The form of the ballot for an issue proposing to levy a 5174  
county school financing district tax in conjunction with the 5175  
reduction of the rate of one or more school district taxes shall 5176  
be as follows: 5177

"Shall the ..... (name of the county school financing 5178  
district) be authorized to levy an additional tax for ..... 5179  
(purpose stated in the resolutions) at a rate not exceeding 5180  
..... mills for each one dollar of valuation, which amounts to 5181  
..... (rate expressed in dollars and cents) for each one hundred 5182  
dollars of valuation, for a continuing period of time? If the 5183  
county school financing district tax is approved, the rate of an 5184  
existing tax currently levied by the ..... (name of the school 5185  
district of which the elector is a resident) at the rate of 5186  
..... mills for each one dollar of valuation shall be reduced to 5187  
..... mills until any such time as the county school financing 5188  
district tax is decreased or repealed. 5189

	For the issue
	Against the issue

"

5190  
5191  
5192  
5193

If the board of education of the school district proposes to 5194  
reduce the rate of more than one of its existing taxes, the second 5195  
sentence of the ballot language shall be modified for residents of 5196  
that district to express the rates at which those taxes currently 5197  
are levied and the rates to which they would be reduced. If the 5198  
board of education of the school district does not propose to 5199  
reduce the rate of any of its taxes, the second sentence of the 5200  
ballot language shall not be used for residents of that district. 5201  
In any case, the first sentence of the ballot language shall be 5202  
the same for all the electors in the county school financing 5203  
district, but the second sentence shall be different in each 5204  
school district depending on whether and in what amount the board 5205  
of education of the school district proposes to reduce the rate of 5206  
one or more of its property taxes. 5207

(4) If the rate of a school district property tax is reduced 5208  
pursuant to this division, the tax commissioner shall compute the 5209  
percentage required to be computed for that tax under division (D) 5210  
of section 319.301 of the Revised Code each year the rate is 5211  
reduced as if the tax had been levied in the preceding year at the 5212  
rate to which it has been reduced. If the reduced rate of a tax is 5213  
increased under division (E)(5) of this section, the commissioner 5214  
shall compute the percentage required to be computed for that tax 5215  
under division (D) of section 319.301 of the Revised Code each 5216  
year the rate is increased as if the tax had been levied in the 5217  
preceding year at the rate to which it has been increased. 5218

(5) After the levying of a county school financing district 5219  
tax in conjunction with the reduction of the rate of one or more 5220  
school district taxes is approved by the electors under this 5221  
division, if the rate of the county school financing district tax 5222  
is decreased pursuant to an election under section 5705.261 of the 5223  
Revised Code, the rate of each school district tax that had been 5224  
reduced shall be increased by the number of mills obtained by 5225



5226 multiplying the number of mills of the original reduction by the  
5227 same percentage that the financing district tax rate is decreased.  
5228 If the county school financing district tax is repealed pursuant  
5229 to an election under section 5705.261 of the Revised Code, each  
5230 school district may resume levying the property taxes that had  
5231 been reduced at the full rate originally approved by the electors.  
5232 A reduction in the rate of a school district property tax under  
5233 this division is a reduction in the rate at which the board of  
5234 education may levy that tax only for the period during which the  
5235 county school financing district tax is levied prior to any  
5236 decrease or repeal under section 5705.261 of the Revised Code. The  
5237 resumption of the authority of the board of education to levy an  
5238 increased or the full rate of tax does not constitute the levying  
5239 of a new tax in excess of the ten-mill limitation.

5240 **Sec. 5705.216.** A board of education that has issued notes in  
5241 anticipation of the proceeds of a permanent improvements levy in  
5242 the maximum amount permitted under division ~~(C)~~(D)(2) or (3) of  
5243 section 5705.21 of the Revised Code or a taxing authority of a  
5244 county school financing district that has issued notes in  
5245 anticipation of the proceeds of a levy in the maximum amount  
5246 permitted under section 5705.215 of the Revised Code may, if the  
5247 proceeds from the issuance of such notes have been spent,  
5248 contracted, or encumbered, apply to the superintendent of public  
5249 instruction for authorization to anticipate a fraction of the  
5250 remaining estimated proceeds of the levy and issue anticipation  
5251 notes for that purpose. The application shall be in such form and  
5252 contain such information as the superintendent considers necessary  
5253 and shall specify the amount of notes to be issued. The amount  
5254 shall not exceed the following:

(A) In the case of a school district: 5255

(1) For levies described under division ~~(C)~~(D)(2) of section 5256

5705.21 of the Revised Code, the amount by which the total 5257  
estimated proceeds of the levy remaining to be collected 5258  
throughout its life exceeds the amount from such proceeds required 5259  
to pay the principal and interest on notes issued under section 5260  
5705.21 of the Revised Code and the interest on any notes issued 5261  
under this section; 5262

(2) For levies described under division ~~(C)~~(D)(3) of section 5263  
5705.21 of the Revised Code, the amount by which the total 5264  
estimated proceeds of the levy remaining to be collected over the 5265  
specified number of years authorized for the issuance of the notes 5266  
exceeds the amount from such proceeds required to pay the 5267  
principal and interest on notes issued under section 5705.21 of 5268  
the Revised Code and the interest on any notes issued under this 5269  
section. 5270

(B) In the case of a county school financing district, the 5271  
amount by which the total estimated proceeds of the levy remaining 5272  
to be collected for the first five years of its life exceed the 5273  
amount from such proceeds required to pay the principal and 5274  
interest on notes issued under section 5705.215 of the Revised 5275  
Code and the interest on any notes issued under this section. 5276

The superintendent shall examine the application and any 5277  
other relevant information submitted and shall determine and 5278  
certify the maximum amount of notes the district may issue under 5279  
this section, which may be an amount less than the amount 5280  
requested by the district. 5281

If the superintendent determines that the anticipated 5282  
proceeds from the levy may be significantly less than expected and 5283  
that additional notes should not be issued, ~~he~~ the superintendent 5284  
may deny the application and give written notice of the denial to 5285  
the president of the district's board of education or the taxing 5286  
authority. 5287

Such notes shall be sold in the same manner as notes issued 5288  
under section 5705.21 or 5705.215 of the Revised Code. 5289

**Sec. 5705.218.** (A) The board of education of a city, local, 5290  
or exempted village school district, at any time by a vote of 5291  
two-thirds of all its members, may declare by resolution that it 5292  
may be necessary for the school district to issue general 5293  
obligation bonds for permanent improvements. The resolution shall 5294  
state all of the following: 5295

(1) The necessity and purpose of the bond issue; 5296

(2) The date of the special election at which the question 5297  
shall be submitted to the electors; 5298

(3) The amount, approximate date, estimated rate of interest, 5299  
and maximum number of years over which the principal of the bonds 5300  
may be paid; 5301

(4) The necessity of levying a tax outside the ten-mill 5302  
limitation to pay debt charges on the bonds and any anticipatory 5303  
securities. 5304

On adoption of the resolution, the board shall certify a copy 5305  
of it to the county auditor. The county auditor promptly shall 5306  
estimate and certify to the board the average annual property tax 5307  
rate required throughout the stated maturity of the bonds to pay 5308  
debt charges on the bonds, in the same manner as under division 5309  
(C) of section 133.18 of the Revised Code. 5310

(B) After receiving the county auditor's certification under 5311  
division (A) of this section, the board of education of the city, 5312  
local, or exempted village school district, by a vote of 5313  
two-thirds of all its members, may declare by resolution that the 5314  
amount of taxes that can be raised within the ten-mill limitation 5315  
will be insufficient to provide an adequate amount for the present 5316  
and future requirements of the school district; that it is 5317

necessary to issue general obligation bonds of the school district 5318  
for permanent improvements and to levy an additional tax in excess 5319  
of the ten-mill limitation to pay debt charges on the bonds and 5320  
any anticipatory securities; that it is necessary for a specified 5321  
number of years or for a continuing period of time to levy 5322  
additional taxes in excess of the ten-mill limitation to provide 5323  
funds for the acquisition, construction, enlargement, renovation, 5324  
and financing of permanent improvements or to pay for current 5325  
operating expenses, or both; and that the question of the bonds 5326  
and taxes shall be submitted to the electors of the school 5327  
district at a special election, which shall not be earlier than 5328  
ninety days after certification of the resolution to the board of 5329  
elections, and the date of which shall be consistent with section 5330  
3501.01 of the Revised Code. The resolution shall specify all of 5331  
the following: 5332

(1) The county auditor's estimate of the average annual 5333  
property tax rate required throughout the stated maturity of the 5334  
bonds to pay debt charges on the bonds; 5335

(2) The proposed rate of the tax, if any, for current 5336  
operating expenses, the first year the tax will be levied, and the 5337  
number of years it will be levied, or that it will be levied for a 5338  
continuing period of time; 5339

(3) The proposed rate of the tax, if any, for permanent 5340  
improvements, the first year the tax will be levied, and the 5341  
number of years it will be levied, or that it will be levied for a 5342  
continuing period of time. 5343

The resolution shall apportion the annual rate of the tax 5344  
between current operating expenses and permanent improvements, if 5345  
both taxes are proposed. The apportionment may but need not be the 5346  
same for each year of the tax, but the respective portions of the 5347  
rate actually levied each year for current operating expenses and 5348  
permanent improvements shall be limited by the apportionment. The 5349

resolution shall go into immediate effect upon its passage, and no 5350  
publication of it is necessary other than that provided in the 5351  
notice of election. The board of education shall certify a copy of 5352  
the resolution, along with copies of the auditor's estimate and 5353  
its resolution under division (A) of this section, to the board of 5354  
elections immediately after its adoption. 5355

(C) The board of elections shall make the arrangements for 5356  
the submission ~~of the question~~ to the electors of the school 5357  
district the question proposed under division (B) or (J) of this 5358  
section, and the election shall be conducted, canvassed, and 5359  
certified in the same manner as regular elections in the district 5360  
for the election of county officers. The resolution shall be put 5361  
before the electors as one ballot question, with a favorable vote 5362  
indicating approval of the bond issue, the levy to pay debt 5363  
charges on the bonds and any anticipatory securities, the current 5364  
operating expenses levy, ~~and~~ the permanent improvements levy, ~~if~~ 5365  
~~either or both levies are~~ and the levy for the current expenses of 5366  
a municipal school district and of qualifying community schools, 5367  
as those levies may be proposed. The board of elections shall 5368  
publish notice of the election in a newspaper of general 5369  
circulation in the school district once a week for two consecutive 5370  
weeks, or as provided in section 7.16 of the Revised Code, prior 5371  
to the election. If a board of elections operates and maintains a 5372  
web site, that board also shall post notice of the election on its 5373  
web site for thirty days prior to the election. The notice of 5374  
election shall state all of the following: 5375

(1) The principal amount of the proposed bond issue; 5376

(2) The permanent improvements for which the bonds are to be 5377  
issued; 5378

(3) The maximum number of years over which the principal of 5379  
the bonds may be paid; 5380

(4) The estimated additional average annual property tax rate 5381  
to pay the debt charges on the bonds, as certified by the county 5382  
auditor; 5383

(5) The proposed rate of the additional tax, if any, for 5384  
current operating expenses and, if the question is proposed under 5385  
division (J) of this section, the portion of the rate to be 5386  
allocated to the school district and the portion to be allocated 5387  
to qualifying community schools; 5388

(6) The number of years the current operating expenses tax 5389  
will be in effect, or that it will be in effect for a continuing 5390  
period of time; 5391

(7) The proposed rate of the additional tax, if any, for 5392  
permanent improvements; 5393

(8) The number of years the permanent improvements tax will 5394  
be in effect, or that it will be in effect for a continuing period 5395  
of time; 5396

(9) The time and place of the special election. 5397

(D) The form of the ballot for an election under this section 5398  
is as follows: 5399

"Shall the ..... school district be authorized to do the 5400  
following: 5401

(1) Issue bonds for the purpose of ..... in the 5402  
principal amount of \$....., to be repaid annually over a maximum 5403  
period of ..... years, and levy a property tax outside the 5404  
ten-mill limitation, estimated by the county auditor to average 5405  
over the bond repayment period ..... mills for each one dollar of 5406  
tax valuation, which amounts to ..... (rate expressed in cents or 5407  
dollars and cents, such as "36 cents" or "\$1.41") for each \$100 of 5408  
tax valuation, to pay the annual debt charges on the bonds, and to 5409  
pay debt charges on any notes issued in anticipation of those 5410

bonds?" 5411

If either a levy for permanent improvements or a levy for 5412  
current operating expenses is proposed, or both are proposed, the 5413  
ballot also shall contain the following language, as appropriate: 5414

"(2) Levy an additional property tax to provide funds for the 5415  
acquisition, construction, enlargement, renovation, and financing 5416  
of permanent improvements at a rate not exceeding ..... mills 5417  
for each one dollar of tax valuation, which amounts to ..... 5418  
(rate expressed in cents or dollars and cents) for each \$100 of 5419  
tax valuation, for ..... (number of years of the levy, or a 5420  
continuing period of time)? 5421

(3) Levy an additional property tax to pay current operating 5422  
expenses at a rate not exceeding ..... mills for each one dollar 5423  
of tax valuation, which amounts to ..... (rate expressed in 5424  
cents or dollars and cents) for each \$100 of tax valuation, for 5425  
..... (number of years of the levy, or a continuing period of 5426  
time)? 5427

	FOR THE BOND ISSUE AND LEVY (OR LEVIES)
	AGAINST THE BOND ISSUE AND LEVY (OR LEVIES)

"

5428  
5429  
5430  
5431  
If the question is proposed under division (J) of this 5432  
section, the form of the ballot shall be modified as prescribed by 5433  
division (J)(5) of this section. 5434

(E) The board of elections promptly shall certify the results 5435  
of the election to the tax commissioner and the county auditor of 5436  
the county in which the school district is located. If a majority 5437  
of the electors voting on the question vote for it, the board of 5438  
education may proceed with issuance of the bonds and with the levy 5439  
and collection of the property tax or taxes at the additional rate 5440  
or any lesser rate in excess of the ten-mill limitation. Any 5441

securities issued by the board of education under this section are 5442  
Chapter 133. securities, as that term is defined in section 133.01 5443  
of the Revised Code. 5444

(F)(1) After the approval of a tax for current operating 5445  
expenses under this section and prior to the time the first 5446  
collection and distribution from the levy can be made, the board 5447  
of education may anticipate a fraction of the proceeds of such 5448  
levy and issue anticipation notes in a principal amount not 5449  
exceeding fifty per cent of the total estimated proceeds of the 5450  
tax to be collected during the first year of the levy. 5451

(2) After the approval of a tax under this section for 5452  
permanent improvements having a specific purpose, the board of 5453  
education may anticipate a fraction of the proceeds of such tax 5454  
and issue anticipation notes in a principal amount not exceeding 5455  
fifty per cent of the total estimated proceeds of the tax 5456  
remaining to be collected in each year over a period of five years 5457  
after issuance of the notes. 5458

(3) After the approval of a tax for general, on-going 5459  
permanent improvements under this section, the board of education 5460  
may anticipate a fraction of the proceeds of such tax and issue 5461  
anticipation notes in a principal amount not exceeding fifty per 5462  
cent of the total estimated proceeds of the tax to be collected in 5463  
each year over a specified period of years, not exceeding ten, 5464  
after issuance of the notes. 5465

Anticipation notes under this section shall be issued as 5466  
provided in section 133.24 of the Revised Code. Notes issued under 5467  
division (F)(1) or (2) of this section shall have principal 5468  
payments during each year after the year of their issuance over a 5469  
period not to exceed five years, and may have a principal payment 5470  
in the year of their issuance. Notes issued under division (F)(3) 5471  
of this section shall have principal payments during each year 5472  
after the year of their issuance over a period not to exceed ten 5473



years, and may have a principal payment in the year of their 5474  
issuance. 5475

(G) A tax for current operating expenses or for permanent 5476  
improvements levied under this section for a specified number of 5477  
years may be renewed or replaced in the same manner as a tax for 5478  
current operating expenses or for permanent improvements levied 5479  
under section 5705.21 of the Revised Code. A tax for current 5480  
operating expenses or for permanent improvements levied under this 5481  
section for a continuing period of time may be decreased in 5482  
accordance with section 5705.261 of the Revised Code. 5483

(H) The submission of a question to the electors under this 5484  
section is subject to the limitation on the number of elections 5485  
that can be held in a year under section 5705.214 of the Revised 5486  
Code. 5487

(I) A school district board of education proposing a ballot 5488  
measure under this section to generate local resources for a 5489  
project under the school building assistance expedited local 5490  
partnership program under section 3318.36 of the Revised Code may 5491  
combine the questions under division (D) of this section with a 5492  
question for the levy of a property tax to generate moneys for 5493  
maintenance of the classroom facilities acquired under that 5494  
project as prescribed in section 3318.361 of the Revised Code. 5495

(J)(1) After receiving the county auditor's certification 5496  
under division (A) of this section, the board of education of a 5497  
municipal school district, by a vote of two-thirds of all its 5498  
members, may declare by resolution that it is necessary to levy a 5499  
tax in excess of the ten-mill limitation for the purpose of paying 5500  
the current expenses of the school district and of qualifying 5501  
community schools, as defined in section 5705.21 of the Revised 5502  
Code; that it is necessary to issue general obligation bonds of 5503  
the school district for permanent improvements of the district and 5504  
to levy an additional tax in excess of the ten-mill limitation to 5505

pay debt charges on the bonds and any anticipatory securities; and 5506  
that the question of the bonds and taxes shall be submitted to the 5507  
electors of the school district at a special election, which shall 5508  
not be earlier than ninety days after certification of the 5509  
resolution to the board of elections, and the date of which shall 5510  
be consistent with section 3505.01 of the Revised Code. 5511

The levy of taxes for the current expenses of a qualifying 5512  
community school under division (J) of this section and the 5513  
distribution of proceeds from the tax by a municipal school 5514  
district to qualifying community schools is hereby determined to 5515  
be a proper public purpose. 5516

(2) The tax for the current expenses of the school district 5517  
and of qualifying community schools is subject to the requirements 5518  
of divisions (B)(3), (4), and (5) of section 5705.21 of the 5519  
Revised Code. 5520

(3) In addition to the required specifications of the 5521  
resolution under division (B) of this section, the resolution 5522  
shall express the rate of the tax in mills per dollar of taxable 5523  
value and state the number of the mills to be levied for the 5524  
current expenses of the qualifying community schools and the 5525  
number of the mills to be levied for the current expenses of the 5526  
school district. 5527

The resolution shall go into immediate effect upon its 5528  
passage, and no publication of it is necessary other than that 5529  
provided in the notice of election. The board of education shall 5530  
certify a copy of the resolution, along with copies of the 5531  
auditor's estimate and its resolution under division (A) of this 5532  
section, to the board of elections immediately after its adoption. 5533

(4) The form of the ballot shall be modified by replacing 5534  
division (D)(3) of this section with the following: 5535

"Levy an additional property tax for the purpose of the 5536

current expenses of the school district and of qualifying 5537  
community schools at a rate not exceeding . . . . . (insert the 5538  
number of mills) mills for each one dollar of valuation (of which 5539  
. . . . . (insert the number of mills to be allocated to qualifying 5540  
community schools) mills is to be allocated to qualifying 5541  
community schools), which amounts to . . . . . (insert the rate 5542  
expressed in dollars and cents) for each one hundred dollars of 5543  
valuation, for . . . . . (insert the number of years the levy is to 5544  
be imposed, or that it will be levied for a continuing period of 5545  
time)? 5546

	<u>FOR THE BOND ISSUE AND LEVY (OR LEVIES)</u>	
	<u>AGAINST THE BOND ISSUE AND LEVY (OR LEVIES)</u>	"

(5) After the approval of a tax for the current expenses of 5550  
the school district and of qualifying community schools under 5551  
division (J) of this section, and prior to the time the first 5552  
collection and distribution from the levy can be made, the board 5553  
of education may anticipate a fraction of the proceeds of the levy 5554  
for the current expenses of the school district and issue 5555  
anticipation notes in a principal amount not exceeding fifty per 5556  
cent of the estimated proceeds of the levy to be collected during 5557  
the first year of the levy and allocated to the school district. 5558  
The portion of levy proceeds to be allocated to qualifying 5559  
community schools shall not be included in the estimated proceeds 5560  
anticipated under this division and shall not be used to pay debt 5561  
charges on any anticipation notes. 5562

The notes shall be issued as provided in section 133.24 of 5563  
the Revised Code, shall have principal payments during each year 5564  
after the year of their issuance over a period not to exceed five 5565  
years, and may have a principal payment in the year of their 5566  
issuance. 5567

(6) A tax for the current expenses of the school district and 5568

of qualifying community schools levied under division (J) of this 5569  
section for a specified number of years may be renewed or replaced 5570  
in the same manner as a tax for the current expenses of a school 5571  
district and of qualifying community schools levied under division 5572  
(B) of section 5705.21 of the Revised Code. A tax for the current 5573  
expenses of the school district and of qualifying community 5574  
schools levied under this division for a continuing period of time 5575  
may be decreased in accordance with section 5705.261 of the 5576  
Revised Code. 5577

(7) The proceeds from the issuance of the general obligation 5578  
bonds under division (J) of this section shall be used solely to 5579  
pay for permanent improvements of the school district and not for 5580  
permanent improvements of qualifying community schools. 5581

**Sec. 5705.251.** (A) A copy of a resolution adopted under 5582  
section 5705.212 or 5705.213 of the Revised Code shall be 5583  
certified by the board of education to the board of elections of 5584  
the proper county not less than ninety days before the date of the 5585  
election specified in the resolution, and the board of elections 5586  
shall submit the proposal to the electors of the school district 5587  
at a special election to be held on that date. The board of 5588  
elections shall make the necessary arrangements for the submission 5589  
of the question or questions to the electors of the school 5590  
district, and the election shall be conducted, canvassed, and 5591  
certified in the same manner as regular elections in the school 5592  
district for the election of county officers. Notice of the 5593  
election shall be published in a newspaper of general circulation 5594  
in the subdivision once a week for two consecutive weeks, or as 5595  
provided in section 7.16 of the Revised Code, prior to the 5596  
election. If the board of elections operates and maintains a web 5597  
site, the board of elections shall post notice of the election on 5598  
its web site for thirty days prior to the election. 5599

(1) In the case of a resolution adopted under section 5600  
5705.212 of the Revised Code, the notice shall state separately, 5601  
for each tax being proposed, the purpose; the proposed increase in 5602  
rate, expressed in dollars and cents for each one hundred dollars 5603  
of valuation as well as in mills for each one dollar of valuation; 5604  
the number of years during which the increase will be in effect; 5605  
and the first calendar year in which the tax will be due. For an 5606  
election on the question of a renewal levy, the notice shall state 5607  
the purpose; the proposed rate, expressed in dollars and cents for 5608  
each one hundred dollars of valuation as well as in mills for each 5609  
one dollar of valuation; and the number of years the tax will be 5610  
in effect. If the resolution is adopted under division (C) of that 5611  
section, the rate of each tax being proposed shall be expressed as 5612  
both the total rate and the portion of the total rate to be 5613  
allocated to the municipal school district and the portion to be 5614  
allocated to qualifying community schools. 5615

(2) In the case of a resolution adopted under section 5616  
5705.213 of the Revised Code, the notice shall state the purpose; 5617  
the amount proposed to be raised by the tax in the first year it 5618  
is levied; the estimated average additional tax rate for the first 5619  
year it is proposed to be levied, expressed in mills for each one 5620  
dollar of valuation and in dollars and cents for each one hundred 5621  
dollars of valuation; the number of years during which the 5622  
increase will be in effect; and the first calendar year in which 5623  
the tax will be due. The notice also shall state the amount by 5624  
which the amount to be raised by the tax may be increased in each 5625  
year after the first year. The amount of the allowable increase 5626  
may be expressed in terms of a dollar increase over, or a 5627  
percentage of, the amount raised by the tax in the immediately 5628  
preceding year. For an election on the question of a renewal levy, 5629  
the notice shall state the purpose; the amount proposed to be 5630  
raised by the tax; the estimated tax rate, expressed in mills for 5631  
each one dollar of valuation and in dollars and cents for each one 5632

hundred dollars of valuation; and the number of years the tax will 5633  
be in effect. 5634

In any case, the notice also shall state the time and place 5635  
of the election. 5636

(B)(1) The form of the ballot in an election on taxes 5637  
proposed under section 5705.212 of the Revised Code shall be as 5638  
follows: 5639

"Shall the ..... school district be authorized to levy 5640  
taxes for current expenses, the aggregate rate of which may 5641  
increase in ..... (number) increment(s) of not more than ..... 5642  
mill(s) for each dollar of valuation, from an original rate of 5643  
..... mill(s) for each dollar of valuation, which amounts to 5644  
..... (rate expressed in dollars and cents) for each one hundred 5645  
dollars of valuation, to a maximum rate of ..... mill(s) for each 5646  
dollar of valuation, which amounts to ..... (rate expressed in 5647  
dollars and cents) for each one hundred dollars of valuation? The 5648  
original tax is first proposed to be levied in ..... (the first 5649  
year of the tax), and the incremental tax in ..... (the first 5650  
year of the increment) (if more than one incremental tax is 5651  
proposed in the resolution, the first year that each incremental 5652  
tax is proposed to be levied shall be stated in the preceding 5653  
format, and the increments shall be referred to as the first, 5654  
second, third, or fourth increment, depending on their number). 5655  
The aggregate rate of tax so authorized will ..... (insert 5656  
either, "expire with the original rate of tax which shall be in 5657  
effect for ..... years" or "be in effect for a continuing period 5658  
of time"). 5659

	FOR THE TAX LEVIES
	AGAINST THE TAX LEVIES

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If the tax is proposed by a municipal school district under division (C)(1) of section 5705.212 of the Revised Code, the form of the ballot shall be modified by adding, after the phrase "each dollar of valuation," the following: "(of which ..... mills is to be allocated to qualifying community schools)."

(2) The form of the ballot in an election on the question of a renewal levy under section 5705.212 of the Revised Code shall be as follows:

"Shall the ..... school district be authorized to renew a tax for current expenses at a rate not exceeding ..... mills for each dollar of valuation, which amounts to ..... (rate expressed in dollars and cents) for each one hundred dollars of valuation, for ..... (number of years the levy shall be in effect, or a continuing period of time)?

	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

If the tax is proposed by a municipal school district under division (C)(2) of section 5705.212 of the Revised Code and the total rate and the rates allocated to the school district and qualifying community schools are to remain the same as those of the levy being renewed, the form of the ballot shall be modified by adding, after the phrase "each dollar of valuation," the following: "(of which ..... mills is to be allocated to qualifying community schools)." If the total rate is to be increased, the form of the ballot shall state that the proposal is to renew the existing tax with an increase in rate and shall state the increase in rate, the total rate resulting from the increase, and, of that rate, the portion of the rate to be allocated to qualifying community schools. If the total rate is to be

decreased, the form of the ballot shall state that the proposal is 5695  
to renew a part of the existing tax and shall state the reduction 5696  
in rate, the total rate resulting from the decrease, and, of that 5697  
rate, the portion of the rate to be allocated to qualifying 5698  
community schools. 5699

(3) If a tax proposed by a ballot form prescribed in division 5700  
(B)(1) or (2) of this section is to be placed on the current tax 5701  
list, the form of the ballot shall be modified by adding, after 5702  
the statement of the number of years the levy is to be in effect, 5703  
the phrase ", commencing in ..... (first year the tax is to 5704  
be levied), first due in calendar year ..... (first calendar 5705  
year in which the tax shall be due)." 5706

(C) The form of the ballot in an election on a tax proposed 5707  
under section 5705.213 of the Revised Code shall be as follows: 5708

"Shall the ..... school district be authorized to levy the 5709  
following tax for current expenses? The tax will first be levied 5710  
in ..... (year) to raise ..... (dollars). In the ..... (number 5711  
of years) following years, the tax will increase by not more than 5712  
..... (per cent or dollar amount of increase) each year, so that, 5713  
during ..... (last year of the tax), the tax will raise 5714  
approximately ..... (dollars). The county auditor estimates that 5715  
the rate of the tax per dollar of valuation will be ..... 5716  
mill(s), which amounts to \$...... per one hundred dollars of 5717  
valuation, both during ..... (first year of the tax) and ..... 5718  
mill(s), which amounts to \$...... per one hundred dollars of 5719  
valuation, during ..... (last year of the tax). The tax will not 5720  
be levied after ..... (year). 5721

5722

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

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The form of the ballot in an election on the question of a renewal levy under section 5705.213 of the Revised Code shall be as follows:

"Shall the ..... school district be authorized to renew a tax for current expenses which will raise ..... (dollars), estimated by the county auditor to be ..... mills for each dollar of valuation, which amounts to ..... (rate expressed in dollars and cents) for each one hundred dollars of valuation? The tax shall be in effect for ..... (the number of years the levy shall be in effect, or a continuing period of time).

	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

If the tax is to be placed on the current tax list, the form of the ballot shall be modified by adding, after the statement of the number of years the levy is to be in effect, the phrase ", commencing in ..... (first year the tax is to be levied), first due in calendar year ..... (first calendar year in which the tax shall be due)."

(D) The question covered by a resolution adopted under section 5705.212 or 5705.213 of the Revised Code shall be submitted as a separate question, but may be printed on the same ballot with any other question submitted at the same election, other than the election of officers. More than one question may be submitted at the same election.

(E) Taxes voted in excess of the ten-mill limitation under division (B) or (C) of this section shall be certified to the tax commissioner. If an additional tax is to be placed upon the tax list of the current year, as specified in the resolution providing for its submission, the result of the election shall be certified

immediately after the canvass by the board of elections to the 5757  
board of education. The board of education immediately shall make 5758  
the necessary levy and certify it to the county auditor, who shall 5759  
extend it on the tax list for collection. After the first year, 5760  
the levy shall be included in the annual tax budget that is 5761  
certified to the county budget commission. 5762

**Sec. 5705.261.** The question of decrease of an increased rate 5763  
of levy approved for a continuing period of time by the voters of 5764  
a subdivision may be initiated by the filing of a petition with 5765  
the board of elections of the proper county not less than ninety 5766  
days before the general election in any year requesting that an 5767  
election be held on such question. Such petition shall state the 5768  
amount of the proposed decrease in the rate of levy and shall be 5769  
signed by qualified electors residing in the subdivision equal in 5770  
number to at least ten per cent of the total number of votes cast 5771  
in the subdivision for the office of governor at the most recent 5772  
general election for that office. Only one such petition may be 5773  
filed during each five-year period following the election at which 5774  
the voters approved the increased rate for a continuing period of 5775  
time. 5776

After determination by it that such petition is valid, the 5777  
board of elections shall submit the question to the electors of 5778  
the district at the succeeding general election. The election 5779  
shall be conducted, canvassed, and certified in the same manner as 5780  
regular elections in such subdivision for county offices. Notice 5781  
of the election shall be published in a newspaper of general 5782  
circulation in the district once a week for two consecutive weeks, 5783  
or as provided in section 7.16 of the Revised Code, prior to the 5784  
election. If the board of elections operates and maintains a web 5785  
site, the board of elections shall post notice of the election on 5786  
its web site for thirty days prior to the election. The notice 5787  
shall state the purpose, the amount of the proposed decrease in 5788

rate, and the time and place of the election. The form of the 5789  
ballot cast at such election shall be prescribed by the secretary 5790  
of state. The question covered by such petition shall be submitted 5791  
as a separate proposition but it may be printed on the same ballot 5792  
with any other propositions submitted at the same election other 5793  
than the election of officers. If a majority of the qualified 5794  
electors voting on the question of a decrease at such election 5795  
approve the proposed decrease in rate, the result of the election 5796  
shall be certified immediately after the canvass by the board of 5797  
elections to the subdivision's taxing authority, which shall 5798  
thereupon, after the current year, cease to levy such increased 5799  
rate or levy such tax at such reduced rate upon the duplicate of 5800  
the subdivision. If notes have been issued in anticipation of the 5801  
collection of such levy, the taxing authority shall continue to 5802  
levy and collect under authority of the election authorizing the 5803  
original levy such amounts as will be sufficient to pay the 5804  
principal of and interest on such anticipation notes as the same 5805  
fall due. 5806

In the case of a levy for the current expenses of a municipal 5807  
school district and of qualifying community schools imposed under 5808  
section 5705.192, division (B) of section 5705.21, division (C) of 5809  
section 5705.212, or division (J) of section 5705.218 of the 5810  
Revised Code for a continuing period of time, the rate allocated 5811  
to the school district and to qualifying community schools shall 5812  
each be decreased by a number of mills per dollar that is 5813  
proportionate to the decrease in the rate of the levy in 5814  
proportion to the rate at which the levy was imposed before the 5815  
decrease. 5816

**Sec. 5748.01.** As used in this chapter: 5817

(A) "School district income tax" means an income tax adopted 5818  
under one of the following: 5819

(1) Former section 5748.03 of the Revised Code as it existed	5820
prior to its repeal by Amended Substitute House Bill No. 291 of	5821
the 115th general assembly;	5822
(2) Section 5748.03 of the Revised Code as enacted in	5823
Substitute Senate Bill No. 28 of the 118th general assembly;	5824
(3) Section 5748.08 of the Revised Code as enacted in Amended	5825
Substitute Senate Bill No. 17 of the 122nd general assembly;	5826
(4) Section 5748.021 of the Revised Code;	5827
(5) Section 5748.081 of the Revised Code;	5828
(6) Section 5748.09 of the Revised Code.	5829
(B) "Individual" means an individual subject to the tax	5830
levied by section 5747.02 of the Revised Code.	5831
(C) "Estate" means an estate subject to the tax levied by	5832
section 5747.02 of the Revised Code.	5833
(D) "Taxable year" means a taxable year as defined in	5834
division (M) of section 5747.01 of the Revised Code.	5835
(E) "Taxable income" means:	5836
(1) In the case of an individual, one of the following, as	5837
specified in the resolution imposing the tax:	5838
(a) Ohio adjusted gross income for the taxable year as	5839
defined in division (A) of section 5747.01 of the Revised Code,	5840
less the exemptions provided by section 5747.02 of the Revised	5841
Code;	5842
(b) Wages, salaries, tips, and other employee compensation to	5843
the extent included in Ohio adjusted gross income as defined in	5844
section 5747.01 of the Revised Code, and net earnings from	5845
self-employment, as defined in section 1402(a) of the Internal	5846
Revenue Code, to the extent included in Ohio adjusted gross	5847
income.	5848

(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. 5849  
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(F) "Resident" of the school district means: 5852

(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; 5853  
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(2) An estate of a decedent who, at the time of death, was domiciled in the school district. 5859  
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(G) "School district income" means: 5861

(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. 5862  
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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. 5868  
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(H) "Taxpayer" means an individual or estate having school district income upon which a school district income tax is imposed. 5871  
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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. 5874  
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**Section 2.** That existing sections 124.36, 2903.13, 2921.02, 5878

3302.03, 3302.04, 3302.061, 3307.01, 3311.71, 3311.72, 3311.74, 5879  
3311.76, 3313.41, 3313.411, 3313.975, 3314.012, 3314.016, 3314.10, 5880  
3314.35, 3314.36, 3316.07, 3318.08, 3319.02, 3319.071, 3319.10, 5881  
3319.112, 3319.12, 3319.13, 3319.14, 3319.141, 3319.143, 3319.151, 5882  
3319.18, 3319.283, 4141.29, 5705.192, 5705.21, 5705.212, 5705.215, 5883  
5705.216, 5705.218, 5705.251, 5705.261, and 5748.01 of the Revised 5884  
Code are hereby repealed. 5885

**Section 3.** The amendment by this act of sections 5705.192, 5886  
5705.21, 5705.212, 5705.215, 5705.216, 5705.218, 5705.251, 5887  
5705.261, and 5748.01 of the Revised Code apply to any proceedings 5888  
commenced after their effective date, and, so far as their 5889  
provisions support the actions taken, also apply to any 5890  
proceedings that on their effective date are pending, in progress, 5891  
or completed, to any elections authorized, conducted, or 5892  
certified, and to securities authorized or issued pursuant to 5893  
those proceedings, notwithstanding any law, resolution, ordinance, 5894  
order, advertisement, notice, or other proceeding in effect before 5895  
their effective date. Any proceedings pending or in progress on, 5896  
or completed by or before, the effective date of those amendments, 5897  
elections authorized, conducted, or certified, and securities 5898  
sold, issued, and delivered, or validated, pursuant to those 5899  
proceedings, shall be deemed to have been taken, authorized, 5900  
conducted, certified, sold, issued, delivered, or validated in 5901  
conformity with those amendments so far as their provisions 5902  
support the actions taken, and are hereby ratified and confirmed. 5903

The amendment by this act of sections 5705.192, 5705.21, 5904  
5705.212, 5705.215, 5705.216, 5705.218, 5705.251, 5705.261, and 5905  
5748.01 of the Revised Code provide additional or supplemental 5906  
provisions for subject matter that may also be the subject of 5907  
other laws, and is intended to be supplemental to, and not in 5908  
derogation of, any similar authority provided by, derived from, or 5909  
implied by, the Constitution of Ohio, or any other law, including 5910

laws amended by this act, or any charter, order, resolution, or 5911  
ordinance; and those amendments to sections 5705.192, 5705.21, 5912  
5705.212, 5705.215, 5705.216, 5705.218, 5705.251, 5705.261, and 5913  
5748.01 of the Revised Code shall not be interpreted to negate the 5914  
authority provided by, derived from, or implied by such 5915  
Constitution of Ohio, laws, charters, orders, resolutions, or 5916  
ordinances. 5917

The provisions of law enacted, amended, or repealed by this 5918  
act, as existed prior to the act's effective date, shall be deemed 5919  
to remain applicable to any actions taken, including any election 5920  
held or any securities issued pursuant to or in reliance on them. 5921