

**As Reported by the Senate Education Committee**

**129th General Assembly**

**Regular Session**

**2011-2012**

**Sub. 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, 3313.975, 3314.10, 3316.07, 3  
3319.02, 3319.071, 3319.10, 3319.112, 3319.12, 4  
3319.13, 3319.14, 3319.141, 3319.143, 3319.151, 5  
3319.18, 3319.283, 4141.29, 5705.192, 5705.21, 6  
5705.212, 5705.215, 5705.216, 5705.218, 5705.251, 7  
5705.261, and 5748.01 and to enact sections 8  
3311.741, 3311.742, 3311.751, and 3311.77 to 9  
3311.87 of the Revised Code to revise the 10  
management of municipal school districts and 11  
community schools located within municipal school 12  
districts; to permit the establishment of a 13  
Municipal School District Transformation Alliance; 14  
to expand the offense of bribery to cover 15  
directors, officers, and employees of the 16  
Alliance; and to authorize municipal school 17  
districts to levy property taxes the revenue from 18  
which may be shared with partnering community 19  
schools. 20

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

**Section 1.** That sections 124.36, 2903.13, 2921.02, 3302.03, 21  
3302.04, 3302.061, 3307.01, 3311.71, 3311.72, 3311.74, 3311.76, 22  
3313.975, 3314.10, 3316.07, 3319.02, 3319.071, 3319.10, 3319.112, 23  
3319.12, 3319.13, 3319.14, 3319.141, 3319.143, 3319.151, 3319.18, 24  
3319.283, 4141.29, 5705.192, 5705.21, 5705.212, 5705.215, 25  
5705.216, 5705.218, 5705.251, 5705.261, and 5748.01 be amended and 26  
sections 3311.741, 3311.742, 3311.751, 3311.77, 3311.78, 3311.79, 27  
3311.80, 3311.81, 3311.82, 3311.83, 3311.84, 3311.85, 3311.86, and 28  
3311.87 of the Revised Code be enacted to read as follows: 29

**Sec. 124.36.** It shall be sufficient cause for the removal of 30  
any public employees including teachers in the public schools or 31  
any state supported educational institution when such public 32  
employee or teacher advocates or willfully retains membership in 33  
an organization which advocates overthrow of the government of the 34  
United States or of the state, by force, violence or other 35  
unlawful means. 36

The procedure for the termination of a contract of a teacher 37  
under the provisions of this section shall be in the manner set 38  
forth in section 3311.82 or 3319.16 of the Revised Code. The 39  
procedure for the removal of all other public employees under the 40  
provisions of this section shall be the same as is provided in 41  
section 124.34 of the Revised Code, except that the decision of 42  
the state personnel board of review or the municipal civil service 43  
commission shall be subject to appeal to the court of common pleas 44  
of the county in which such public employees are employed to 45  
determine the sufficiency of the cause of removal. Such appeal 46  
shall be taken within ten days from the finding of the board or 47  
commission. 48

**Sec. 2903.13.** (A) No person shall knowingly cause or attempt 49  
to cause physical harm to another or to another's unborn. 50

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

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

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

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

(a) The offense occurs in or on the grounds of a state correctional institution or an institution of the department of youth services, the victim of the offense is an employee of the department of rehabilitation and correction, the department of youth services, or a probation department or is on the premises of the particular institution for business purposes or as a visitor, and the offense is committed by a person incarcerated in the state correctional institution, by a person institutionalized in the department of youth services institution pursuant to a commitment to the department of youth services, by a parolee, by an offender under transitional control, under a community control sanction, or on an escorted visit, by a person under post-release control, or

by an offender under any other type of supervision by a government 83  
agency. 84

(b) The offense occurs in or on the grounds of a local 85  
correctional facility, the victim of the offense is an employee of 86  
the local correctional facility or a probation department or is on 87  
the premises of the facility for business purposes or as a 88  
visitor, and the offense is committed by a person who is under 89  
custody in the facility subsequent to the person's arrest for any 90  
crime or delinquent act, subsequent to the person's being charged 91  
with or convicted of any crime, or subsequent to the person's 92  
being alleged to be or adjudicated a delinquent child. 93

(c) The offense occurs off the grounds of a state 94  
correctional institution and off the grounds of an institution of 95  
the department of youth services, the victim of the offense is an 96  
employee of the department of rehabilitation and correction, the 97  
department of youth services, or a probation department, the 98  
offense occurs during the employee's official work hours and while 99  
the employee is engaged in official work responsibilities, and the 100  
offense is committed by a person incarcerated in a state 101  
correctional institution or institutionalized in the department of 102  
youth services who temporarily is outside of the institution for 103  
any purpose, by a parolee, by an offender under transitional 104  
control, under a community control sanction, or on an escorted 105  
visit, by a person under post-release control, or by an offender 106  
under any other type of supervision by a government agency. 107

(d) The offense occurs off the grounds of a local 108  
correctional facility, the victim of the offense is an employee of 109  
the local correctional facility or a probation department, the 110  
offense occurs during the employee's official work hours and while 111  
the employee is engaged in official work responsibilities, and the 112  
offense is committed by a person who is under custody in the 113  
facility subsequent to the person's arrest for any crime or 114

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

(e) The victim of the offense is a school teacher or 123  
administrator or a school bus operator, and the offense occurs in 124  
a school, on school premises, in a school building, on a school 125  
bus, or while the victim is outside of school premises or a school 126  
bus and is engaged in duties or official responsibilities 127  
associated with the victim's employment or position as a school 128  
teacher or administrator or a school bus operator, including, but 129  
not limited to, driving, accompanying, or chaperoning students at 130  
or on class or field trips, athletic events, or other school 131  
extracurricular activities or functions outside of school 132  
premises. 133

(3) If the victim of the offense is a peace officer or an 134  
investigator of the bureau of criminal identification and 135  
investigation, a firefighter, or a person performing emergency 136  
medical service, while in the performance of their official 137  
duties, assault is a felony of the fourth degree. 138

(4) If the victim of the offense is a peace officer or an 139  
investigator of the bureau of criminal identification and 140  
investigation and if the victim suffered serious physical harm as 141  
a result of the commission of the offense, assault is a felony of 142  
the fourth degree, and the court, pursuant to division (F) of 143  
section 2929.13 of the Revised Code, shall impose as a mandatory 144  
prison term one of the prison terms prescribed for a felony of the 145  
fourth degree that is at least twelve months in duration. 146

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

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

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

(D) As used in this section:

(1) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.

(2) "Firefighter" has the same meaning as in section 3937.41

of the Revised Code.	178
(3) "Emergency medical service" has the same meaning as in section 4765.01 of the Revised Code.	179 180
(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.	181 182 183 184 185 186 187 188
(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.	189 190 191 192 193
(6) "School teacher or administrator" means either of the following:	194 195
(a) A person who is employed in the public schools of the state under a contract described in section <u>3311.77</u> or 3319.08 of the Revised Code in a position in which the person is required to have a certificate issued pursuant to sections 3319.22 to 3319.311 of the Revised Code.	196 197 198 199 200
(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.	201 202 203 204
(7) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	205 206
(8) "Escorted visit" means an escorted visit granted under	207

section 2967.27 of the Revised Code. 208

(9) "Post-release control" and "transitional control" have 209  
the same meanings as in section 2967.01 of the Revised Code. 210

(10) "Investigator of the bureau of criminal identification 211  
and investigation" has the same meaning as in section 2903.11 of 212  
the Revised Code. 213

**Sec. 2921.02.** (A) No person, with purpose to corrupt a public 214  
servant or party official, or improperly to influence ~~him~~ a public 215  
servant or party official with respect to the discharge of ~~his~~ the 216  
public servant's or party official's duty, whether before or after 217  
~~he~~ the public servant or party official is elected, appointed, 218  
qualified, employed, summoned, or sworn, shall promise, offer, or 219  
give any valuable thing or valuable benefit. 220

(B) No person, either before or after ~~he~~ the person is 221  
elected, appointed, qualified, employed, summoned, or sworn as a 222  
public servant or party official, shall knowingly solicit or 223  
accept for ~~himself~~ self or another person any valuable thing or 224  
valuable benefit to corrupt or improperly influence ~~him~~ the person 225  
or another public servant or party official with respect to the 226  
discharge of ~~his~~ the person's or the other public servant's or 227  
party official's duty. 228

(C) No person, with purpose to corrupt a witness or 229  
improperly to influence ~~him~~ a witness with respect to ~~his~~ the 230  
witness's testimony in an official proceeding, either before or 231  
after ~~he~~ the witness is subpoenaed or sworn, shall promise, offer, 232  
or give ~~him~~ the witness or another person any valuable thing or 233  
valuable benefit. 234

(D) No person, either before or after ~~he~~ the person is 235  
subpoenaed or sworn as a witness, shall knowingly solicit or 236  
accept for ~~himself~~ self or another person any valuable thing or 237



valuable benefit to corrupt or improperly influence ~~him~~ self or 238  
another person with respect to ~~his~~ testimony given in an official 239  
proceeding. 240

(E) No person, with purpose to corrupt a director, officer, 241  
or employee of a municipal school district transformation alliance 242  
established under section 3311.86 of the Revised Code, or 243  
improperly to influence a director, officer, or employee of a 244  
municipal school district transformation alliance with respect to 245  
the discharge of the director's, officer's, or employee's duties, 246  
whether before or after the director, officer, or employee is 247  
appointed or employed, shall promise, offer, or give the director, 248  
officer, or employee any valuable thing or valuable benefit. 249

(F) No person, either before or after the person is appointed 250  
or employed as a director, officer, or employee of a municipal 251  
school district transformation alliance established under section 252  
3311.86 of the Revised Code, shall knowingly solicit or accept for 253  
self or another person any valuable thing or valuable benefit to 254  
corrupt or improperly influence the person or another director, 255  
officer, or employee of a municipal school district transformation 256  
alliance with respect to the discharge of the person's or other 257  
director's, officer's, or employee's duties. 258

(G) Whoever violates this section is guilty of bribery, a 259  
felony of the third degree. 260

~~(F)~~(H) A public servant or party official, or director, 261  
officer, or employee of a municipal school district transformation 262  
alliance established under section 3311.86 of the Revised Code, 263  
who is convicted of bribery is forever disqualified from holding 264  
any public office, employment, or position of trust in this state. 265

**Sec. 3302.03.** (A) Annually the department of education shall 266  
report for each school district and each school building in a 267  
district all of the following: 268

(1) The extent to which the school district or building meets each of the applicable performance indicators created by the state board of education under section 3302.02 of the Revised Code and the number of applicable performance indicators that have been achieved;

(2) The performance index score of the school district or building;

(3) Whether the school district or building has made adequate yearly progress;

(4) Whether the school district or building is excellent, effective, needs continuous improvement, is under an academic watch, or is in a state of academic emergency.

(B) Except as otherwise provided in division (B)(6) of this section:

(1) A school district or building shall be declared excellent if it meets at least ninety-four per cent of the applicable state performance indicators or has a performance index score established by the department, except that if it does not make adequate yearly progress for two or more of the same subgroups for three or more consecutive years, it shall be declared effective.

(2) A school district or building shall be declared effective if it meets at least seventy-five per cent but less than ninety-four per cent of the applicable state performance indicators or has a performance index score established by the department, except that if it does not make adequate yearly progress for two or more of the same subgroups for three or more consecutive years, it shall be declared in need of continuous improvement.

(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 300  
seventy-five per cent of the applicable state performance 301  
indicators, and has a performance index score established by the 302  
department. 303

(b) It does not make adequate yearly progress and either 304  
meets at least fifty per cent but less than seventy-five per cent 305  
of the applicable state performance indicators or has a 306  
performance index score established by the department. 307

(4) A school district or building shall be declared to be 308  
under an academic watch if it does not make adequate yearly 309  
progress and either meets at least thirty-one per cent but less 310  
than fifty per cent of the applicable state performance indicators 311  
or has a performance index score established by the department. 312

(5) A school district or building shall be declared to be in 313  
a state of academic emergency if it does not make adequate yearly 314  
progress, does not meet at least thirty-one per cent of the 315  
applicable state performance indicators, and has a performance 316  
index score established by the department. 317

(6) Division (B)(6) of this section does not apply to any 318  
community school established under Chapter 3314. of the Revised 319  
Code in which a majority of the students are enrolled in a dropout 320  
prevention and recovery program. 321

A school district or building shall not be assigned a higher 322  
performance rating than in need of continuous improvement if at 323  
least ten per cent but not more than fifteen per cent of the 324  
enrolled students do not take all achievement assessments 325  
prescribed for their grade level under division (A)(1) or (B)(1) 326  
of section 3301.0710 of the Revised Code from which they are not 327  
excused pursuant to division (C)(1) or (3) of section 3301.0711 of 328  
the Revised Code. A school district or building shall not be 329  
assigned a higher performance rating than under an academic watch 330

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

(C)(1) The department shall issue annual report cards for 343  
each school district, each building within each district, and for 344  
the state as a whole reflecting performance on the indicators 345  
created by the state board under section 3302.02 of the Revised 346  
Code, the performance index score, and adequate yearly progress. 347

(2) The department shall include on the report card for each 348  
district information pertaining to any change from the previous 349  
year made by the school district or school buildings within the 350  
district on any performance indicator. 351

(3) When reporting data on student performance, the 352  
department shall disaggregate that data according to the following 353  
categories: 354

(a) Performance of students by age group; 355

(b) Performance of students by race and ethnic group; 356

(c) Performance of students by gender; 357

(d) Performance of students grouped by those who have been 358  
enrolled in a district or school for three or more years; 359

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

enrolled in a district or school for more than one year and less than three years;	361
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(f) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	363
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(g) Performance of students grouped by those who are economically disadvantaged;	365
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(h) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	367
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(i) Performance of students grouped by those who are classified as limited English proficient;	370
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(j) Performance of students grouped by those who have disabilities;	372
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(k) Performance of students grouped by those who are classified as migrants;	374
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(l) Performance of students grouped by those who are identified as gifted pursuant to Chapter 3324. of the Revised Code.	376
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The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the department shall disaggregate data on student performance according to any combinations of two or more of the categories listed in divisions (C)(3)(a) to (l) of this section that it deems relevant.	379
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In reporting data pursuant to division (C)(3) of this section, the department shall not include in the report cards any data statistical in nature that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report student performance data for any group identified in division (C)(3) of	385
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this section that contains less than ten students. 391

(4) The department may include with the report cards any 392  
additional education and fiscal performance data it deems 393  
valuable. 394

(5) The department shall include on each report card a list 395  
of additional information collected by the department that is 396  
available regarding the district or building for which the report 397  
card is issued. When available, such additional information shall 398  
include student mobility data disaggregated by race and 399  
socioeconomic status, college enrollment data, and the reports 400  
prepared under section 3302.031 of the Revised Code. 401

The department shall maintain a site on the world wide web. 402  
The report card shall include the address of the site and shall 403  
specify that such additional information is available to the 404  
public at that site. The department shall also provide a copy of 405  
each item on the list to the superintendent of each school 406  
district. The district superintendent shall provide a copy of any 407  
item on the list to anyone who requests it. 408

~~(6)(a) This division~~ Division (C)(6) of this section does not 409  
apply to conversion community schools that primarily enroll 410  
students between sixteen and twenty-two years of age who dropped 411  
out of high school or are at risk of dropping out of high school 412  
due to poor attendance, disciplinary problems, or suspensions. 413

(a) For any district that sponsors a conversion community 414  
school under Chapter 3314. of the Revised Code, the department 415  
shall combine data regarding the academic performance of students 416  
enrolled in the community school with comparable data from the 417  
schools of the district for the purpose of calculating the 418  
performance of the district as a whole on the report card issued 419  
for the district. 420

(b) Any district that leases a building to a community school 421

located in the district or that enters into an agreement with a 422  
community school located in the district whereby the district and 423  
the school endorse each other's programs may elect to have data 424  
regarding the academic performance of students enrolled in the 425  
community school combined with comparable data from the schools of 426  
the district for the purpose of calculating the performance of the 427  
district as a whole on the district report card. Any district that 428  
so elects shall annually file a copy of the lease or agreement 429  
with the department. 430

(c) Any municipal school district, as defined in section 431  
3311.71 of the Revised Code, that sponsors a community school 432  
located within the district's territory, or that enters into an 433  
agreement with a community school located within the district's 434  
territory whereby the district and the community school endorse 435  
each other's programs, may exercise either or both of the 436  
following elections: 437

(i) To have data regarding the academic performance of 438  
students enrolled in that community school combined with 439  
comparable data from the schools of the district for the purpose 440  
of calculating the performance of the district as a whole on the 441  
district's report card; 442

(ii) To have the number of students attending that community 443  
school noted separately on the district's report card. 444

The election authorized under division (C)(6)(c)(i) of this 445  
section is subject to approval by the governing authority of the 446  
community school. 447

Any municipal school district that exercises an election to 448  
combine or include data under division (C)(6)(c) of this section, 449  
by the first day of October of each year, shall file with the 450  
department documentation indicating eligibility for that election, 451  
as required by the department. 452

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

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

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

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

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

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(b) Include cumulative totals from both the fall and spring

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administrations of the third grade English language arts 484  
achievement assessment; 485

(c) Except as required by the "No Child Left Behind Act of 486  
2001" for the calculation of adequate yearly progress, exclude for 487  
each district or building any limited English proficient student 488  
who has been enrolled in United States schools for less than one 489  
full school year. 490

**Sec. 3302.04.** (A) The department of education shall establish 491  
a system of intensive, ongoing support for the improvement of 492  
school districts and school buildings. In accordance with the 493  
model of differentiated accountability described in section 494  
3302.041 of the Revised Code, the system shall give priority to 495  
districts and buildings that have been declared to be under an 496  
academic watch or in a state of academic emergency under section 497  
3302.03 of the Revised Code and shall include services provided to 498  
districts and buildings through regional service providers, such 499  
as educational service centers. 500

(B) This division does not apply to any school district after 501  
June 30, 2008. 502

When a school district has been notified by the department 503  
pursuant to division (A) of section 3302.03 of the Revised Code 504  
that the district or a building within the district has failed to 505  
make adequate yearly progress for two consecutive school years, 506  
the district shall develop a three-year continuous improvement 507  
plan for the district or building containing each of the 508  
following: 509

(1) An analysis of the reasons for the failure of the 510  
district or building to meet any of the applicable performance 511  
indicators established under section 3302.02 of the Revised Code 512  
that it did not meet and an analysis of the reasons for its 513  
failure to make adequate yearly progress; 514

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

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

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

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

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

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

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

(D)(1) Within one hundred twenty days after any school district or building is declared to be in a state of academic

emergency under section 3302.03 of the Revised Code, the 546  
department may initiate a site evaluation of the building or 547  
school district. 548

(2) Division (D)(2) of this section does not apply to any 549  
school district after June 30, 2008. 550

If any school district that is declared to be in a state of 551  
academic emergency or in a state of academic watch under section 552  
3302.03 of the Revised Code or encompasses a building that is 553  
declared to be in a state of academic emergency or in a state of 554  
academic watch fails to demonstrate to the department satisfactory 555  
improvement of the district or applicable buildings or fails to 556  
submit to the department any information required under rules 557  
established by the state board of education, prior to approving a 558  
three-year continuous improvement plan under rules established by 559  
the state board of education, the department shall conduct a site 560  
evaluation of the school district or applicable buildings to 561  
determine whether the school district is in compliance with 562  
minimum standards established by law or rule. 563

(3) Site evaluations conducted under divisions (D)(1) and (2) 564  
of this section shall include, but not be limited to, the 565  
following: 566

(a) Determining whether teachers are assigned to subject 567  
areas for which they are licensed or certified; 568

(b) Determining pupil-teacher ratios; 569

(c) Examination of compliance with minimum instruction time 570  
requirements for each school day and for each school year; 571

(d) Determining whether materials and equipment necessary to 572  
implement the curriculum approved by the school district board are 573  
available; 574

(e) Examination of whether the teacher and principal 575

evaluation systems comply with sections 3311.80, 3311.84, 3319.02, 576  
and 3319.111 of the Revised Code; 577

(f) Examination of the adequacy of efforts to improve the 578  
cultural competency, as defined pursuant to section 3319.61 of the 579  
Revised Code, of teachers and other educators. 580

(E) This division applies only to school districts that 581  
operate a school building that fails to make adequate yearly 582  
progress for two or more consecutive school years. It does not 583  
apply to any such district after June 30, 2008, except as provided 584  
in division (D)(2) of section 3313.97 of the Revised Code. 585

(1) For any school building that fails to make adequate 586  
yearly progress for two consecutive school years, the district 587  
shall do all of the following: 588

(a) Provide written notification of the academic issues that 589  
resulted in the building's failure to make adequate yearly 590  
progress to the parent or guardian of each student enrolled in the 591  
building. The notification shall also describe the actions being 592  
taken by the district or building to improve the academic 593  
performance of the building and any progress achieved toward that 594  
goal in the immediately preceding school year. 595

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

students who enroll in alternative buildings under this division, 607  
unless the district can satisfy all demand for transportation with 608  
a lesser amount. If an amount equal to twenty per cent of the 609  
funds the district receives under Title I, Part A of the 610  
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 611  
to 6339, is insufficient to satisfy all demand for transportation, 612  
the district shall grant priority over all other students to the 613  
lowest achieving students among the subgroup described in division 614  
(B)(3) of section 3302.01 of the Revised Code in providing 615  
transportation. Any district that does not receive funds under 616  
Title I, Part A of the "Elementary and Secondary Education Act of 617  
1965," 20 U.S.C. 6311 to 6339, shall not be required to provide 618  
transportation to any student who enrolls in an alternative 619  
building under this division. 620

(2) For any school building that fails to make adequate 621  
yearly progress for three consecutive school years, the district 622  
shall do both of the following: 623

(a) If the building receives funds under Title 1, Part A of 624  
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 625  
6311 to 6339, from the district, in accordance with section 626  
3313.97 of the Revised Code, provide all students enrolled in the 627  
building the opportunity to enroll in an alternative building 628  
within the district that is not in school improvement status as 629  
defined by the "No Child Left Behind Act of 2001." Notwithstanding 630  
Chapter 3327. of the Revised Code, the district shall provide 631  
transportation for students who enroll in alternative buildings 632  
under this division to the extent required under division (E)(2) 633  
of this section. 634

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

in the subgroup described in division (B)(3) of section 3302.01 of 639  
the Revised Code. 640

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

shall grant priority over all other students in providing 672  
transportation and in paying the costs of supplemental educational 673  
services to the lowest achieving students among the subgroup 674  
described in division (B)(3) of section 3302.01 of the Revised 675  
Code. 676

Any district that does not receive funds under Title I, Part 677  
A of the "Elementary and Secondary Education Act of 1965," 20 678  
U.S.C. 6311 to 6339, shall not be required to provide 679  
transportation to any student who enrolls in an alternative 680  
building under division (E)(2)(a) of this section or to pay the 681  
costs of supplemental educational services provided to any student 682  
under division (E)(2)(b) of this section. 683

No student who enrolls in an alternative building under 684  
division (E)(2)(a) of this section shall be eligible for 685  
supplemental educational services under division (E)(2)(b) of this 686  
section. 687

(3) For any school building that fails to make adequate 688  
yearly progress for four consecutive school years, the district 689  
shall continue to comply with division (E)(2) of this section and 690  
shall implement at least one of the following options with respect 691  
to the building: 692

(a) Institute a new curriculum that is consistent with the 693  
statewide academic standards adopted pursuant to division (A) of 694  
section 3301.079 of the Revised Code; 695

(b) Decrease the degree of authority the building has to 696  
manage its internal operations; 697

(c) Appoint an outside expert to make recommendations for 698  
improving the academic performance of the building. The district 699  
may request the department to establish a state intervention team 700  
for this purpose pursuant to division (G) of this section. 701

(d) Extend the length of the school day or year; 702

(e) Replace the building principal or other key personnel;	703
(f) Reorganize the administrative structure of the building.	704
(4) For any school building that fails to make adequate	705
yearly progress for five consecutive school years, the district	706
shall continue to comply with division (E)(2) of this section and	707
shall develop a plan during the next succeeding school year to	708
improve the academic performance of the building, which shall	709
include at least one of the following options:	710
(a) Reopen the school as a community school under Chapter	711
3314. of the Revised Code;	712
(b) Replace personnel;	713
(c) Contract with a nonprofit or for-profit entity to operate	714
the building;	715
(d) Turn operation of the building over to the department;	716
(e) Other significant restructuring of the building's	717
governance.	718
(5) For any school building that fails to make adequate	719
yearly progress for six consecutive school years, the district	720
shall continue to comply with division (E)(2) of this section and	721
shall implement the plan developed pursuant to division (E)(4) of	722
this section.	723
(6) A district shall continue to comply with division	724
(E)(1)(b) or (E)(2) of this section, whichever was most recently	725
applicable, with respect to any building formerly subject to one	726
of those divisions until the building makes adequate yearly	727
progress for two consecutive school years.	728
(F) This division applies only to school districts that have	729
been identified for improvement by the department pursuant to the	730
"No Child Left Behind Act of 2001." It does not apply to any such	731
district after June 30, 2008.	732



(1) If a school district has been identified for improvement 733  
for one school year, the district shall provide a written 734  
description of the continuous improvement plan developed by the 735  
district pursuant to division (B) of this section to the parent or 736  
guardian of each student enrolled in the district. If the district 737  
does not have a continuous improvement plan, the district shall 738  
develop such a plan in accordance with division (B) of this 739  
section and provide a written description of the plan to the 740  
parent or guardian of each student enrolled in the district. 741

(2) If a school district has been identified for improvement 742  
for two consecutive school years, the district shall continue to 743  
implement the continuous improvement plan developed by the 744  
district pursuant to division (B) or (F)(1) of this section. 745

(3) If a school district has been identified for improvement 746  
for three consecutive school years, the department shall take at 747  
least one of the following corrective actions with respect to the 748  
district: 749

(a) Withhold a portion of the funds the district is entitled 750  
to receive under Title I, Part A of the "Elementary and Secondary 751  
Education Act of 1965," 20 U.S.C. 6311 to 6339; 752

(b) Direct the district to replace key district personnel; 753

(c) Institute a new curriculum that is consistent with the 754  
statewide academic standards adopted pursuant to division (A) of 755  
section 3301.079 of the Revised Code; 756

(d) Establish alternative forms of governance for individual 757  
school buildings within the district; 758

(e) Appoint a trustee to manage the district in place of the 759  
district superintendent and board of education. 760

The department shall conduct individual audits of a sampling 761  
of districts subject to this division to determine compliance with 762

the corrective actions taken by the department. 763

(4) If a school district has been identified for improvement 764  
for four consecutive school years, the department shall continue 765  
to monitor implementation of the corrective action taken under 766  
division (F)(3) of this section with respect to the district. 767

(5) If a school district has been identified for improvement 768  
for five consecutive school years, the department shall take at 769  
least one of the corrective actions identified in division (F)(3) 770  
of this section with respect to the district, provided that the 771  
corrective action the department takes is different from the 772  
corrective action previously taken under division (F)(3) of this 773  
section with respect to the district. 774

(G) The department may establish a state intervention team to 775  
evaluate all aspects of a school district or building, including 776  
management, curriculum, instructional methods, resource 777  
allocation, and scheduling. Any such intervention team shall be 778  
appointed by the department and shall include teachers and 779  
administrators recognized as outstanding in their fields. The 780  
intervention team shall make recommendations regarding methods for 781  
improving the performance of the district or building. 782

The department shall not approve a district's request for an 783  
intervention team under division (E)(3) of this section if the 784  
department cannot adequately fund the work of the team, unless the 785  
district agrees to pay for the expenses of the team. 786

(H) The department shall conduct individual audits of a 787  
sampling of community schools established under Chapter 3314. of 788  
the Revised Code to determine compliance with this section. 789

(I) The state board shall adopt rules for implementing this 790  
section. 791

**Sec. 3302.061.** (A) A school district board of education shall 792

review each application received under section 3302.06 of the	793
Revised Code and, within sixty days after receipt of the	794
application, shall approve or disapprove the application. In	795
reviewing applications, the board shall give preference to	796
applications that propose innovations in one or more of the	797
following areas:	798
(1) Curriculum;	799
(2) Student assessments, other than the assessments	800
prescribed by sections 3301.0710 and 3301.0712 of the Revised	801
Code;	802
(3) Class scheduling;	803
(4) Accountability measures, including innovations that	804
expand the number and variety of measures used in order to collect	805
more complete data about student academic performance. For this	806
purpose, schools may consider use of measures such as	807
end-of-course examinations, portfolios of student work, nationally	808
or internationally normed assessments, the percentage of students	809
enrolling in post-secondary education, or the percentage of	810
students simultaneously obtaining a high school diploma and an	811
associate's degree or certification to work in an industry or	812
career field.	813
(5) Provision of student services, including services for	814
students who are disabled, identified as gifted under Chapter	815
3324. of the Revised Code, limited English proficient, at risk of	816
academic failure or dropping out, or at risk of suspension or	817
expulsion;	818
(6) Provision of health, counseling, or other social services	819
to students;	820
(7) Preparation of students for transition to higher	821
education or the workforce;	822

(8) Teacher recruitment, employment, and evaluation;	823
(9) Compensation for school personnel;	824
(10) Professional development;	825
(11) School governance and the roles and responsibilities of principals;	826 827
(12) Use of financial or other resources.	828
(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.	829 830 831 832 833 834
(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.	835 836 837 838 839
(C) The board may approve an application that allows an innovation school or a school participating in an innovation school zone to determine the compensation of board employees working in the school, but the total compensation for all such employees shall not exceed the financial resources allocated to the school by the board. The school shall not be required to comply with the salary schedule adopted by the board under section <u>3311.78</u> , <u>3317.14</u> , or <u>3317.141</u> of the Revised Code. The board may approve an application that allows an innovation school or a school participating in an innovation school zone to remove board employees from the school, but no employee shall be terminated except as provided in section <u>3311.82</u> , <u>3319.081</u> , or <u>3319.16</u> of the Revised Code.	840 841 842 843 844 845 846 847 848 849 850 851 852

(D) The board may do either of the following at any time:	853
(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;	854 855 856
(2) Designate as an innovation school zone two or more schools that share common interests based on factors such as geographical proximity or similar educational programs or that serve the same classes of students as they advance to higher grade levels, by creating an innovation plan for those schools and offering the schools an opportunity to participate in the plan's creation.	857 858 859 860 861 862 863
<b>Sec. 3307.01.</b> As used in this chapter:	864
(A) "Employer" means the board of education, school district, governing authority of any community school established under Chapter 3314. of the Revised Code, a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, college, university, institution, or other agency within the state by which a teacher is employed and paid.	865 866 867 868 869 870 871
(B) "Teacher" means all of the following:	872
(1) Any person paid from public funds and employed in the public schools of the state under any type of contract described in section <u>3311.77</u> or 3319.08 of the Revised Code in a position for which the person is required to have a license issued pursuant to sections 3319.22 to 3319.31 of the Revised Code;	873 874 875 876 877
(2) Any person employed as a teacher by a community school or a science, technology, engineering, and mathematics school pursuant to Chapter 3314. or 3326. of the Revised Code;	878 879 880
(3) Any person having a license issued pursuant to sections 3319.22 to 3319.31 of the Revised Code and employed in a public	881 882

school in this state in an educational position, as determined by 883  
the state board of education, under programs provided for by 884  
federal acts or regulations and financed in whole or in part from 885  
federal funds, but for which no licensure requirements for the 886  
position can be made under the provisions of such federal acts or 887  
regulations; 888

(4) Any other teacher or faculty member employed in any 889  
school, college, university, institution, or other agency wholly 890  
controlled and managed, and supported in whole or in part, by the 891  
state or any political subdivision thereof, including Central 892  
state university, Cleveland state university, and the university 893  
of Toledo; 894

(5) The educational employees of the department of education, 895  
as determined by the state superintendent of public instruction. 896

In all cases of doubt, the state teachers retirement board 897  
shall determine whether any person is a teacher, and its decision 898  
shall be final. 899

"Teacher" does not include any eligible employee of a public 900  
institution of higher education, as defined in section 3305.01 of 901  
the Revised Code, who elects to participate in an alternative 902  
retirement plan established under Chapter 3305. of the Revised 903  
Code. 904

(C) "Member" means any person included in the membership of 905  
the state teachers retirement system, which shall consist of all 906  
teachers and contributors as defined in divisions (B) and (D) of 907  
this section and all disability benefit recipients, as defined in 908  
section 3307.50 of the Revised Code. However, for purposes of this 909  
chapter, the following persons shall not be considered members: 910

(1) A student, intern, or resident who is not a member while 911  
employed part-time by a school, college, or university at which 912  
the student, intern, or resident is regularly attending classes; 913

(2) A person denied membership pursuant to section 3307.24 of the Revised Code;	914 915
(3) An other system retirant, as defined in section 3307.35 of the Revised Code, or a superannuate;	916 917
(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.	918 919 920
(D) "Contributor" means any person who has an account in the teachers' savings fund or defined contribution fund.	921 922
(E) "Beneficiary" means any person eligible to receive, or in receipt of, a retirement allowance or other benefit provided by this chapter.	923 924 925
(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.	926 927 928 929 930
(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.	931 932 933
(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.	934 935 936 937
(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.	938 939 940 941 942
(J) "Actuary" means the actuarial consultant to the state	943

teachers retirement board, who shall be either of the following:	944
(1) A member of the American academy of actuaries;	945
(2) A firm, partnership, or corporation of which at least one person is a member of the American academy of actuaries.	946 947
(K) "Fiduciary" means a person who does any of the following:	948
(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;	949 950 951
(2) Renders investment advice for a fee, direct or indirect, with respect to money or property of the system;	952 953
(3) Has any discretionary authority or responsibility in the administration of the system.	954 955
(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.	956 957 958 959 960 961 962 963 964 965
(2) Compensation does not include any of the following:	966
(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;	967 968 969 970
(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;	971 972 973



(c) Payments made for vacation pay covering concurrent periods for which other salary, compensation, or benefits under this chapter are paid;	974 975 976
(d) Amounts paid by the employer to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the teacher or the teacher's family, or amounts paid by the employer to the teacher in lieu of providing the insurance;	977 978 979 980 981
(e) Incidental benefits, including lodging, food, laundry, parking, or services furnished by the employer, use of the employer's property or equipment, and reimbursement for job-related expenses authorized by the employer, including moving and travel expenses and expenses related to professional development;	982 983 984 985 986 987
(f) Payments made by the employer in exchange for a member's waiver of a right to receive any payment, amount, or benefit described in division (L)(2) of this section;	988 989 990
(g) Payments by the employer for services not actually rendered;	991 992
(h) Any amount paid by the employer as a retroactive increase in salary, wages, or other earnings, unless the increase is one of the following:	993 994 995
(i) A retroactive increase paid to a member employed by a school district board of education in a position that requires a license designated for teaching and not designated for being an administrator issued under section 3319.22 of the Revised Code that is paid in accordance with uniform criteria applicable to all members employed by the board in positions requiring the licenses;	996 997 998 999 1000 1001
(ii) A retroactive increase paid to a member employed by a school district board of education in a position that requires a license designated for being an administrator issued under section	1002 1003 1004

3319.22 of the Revised Code that is paid in accordance with 1005  
uniform criteria applicable to all members employed by the board 1006  
in positions requiring the licenses; 1007

(iii) A retroactive increase paid to a member employed by a 1008  
school district board of education as a superintendent that is 1009  
also paid as described in division (L)(2)(h)(i) of this section; 1010

(iv) A retroactive increase paid to a member employed by an 1011  
employer other than a school district board of education in 1012  
accordance with uniform criteria applicable to all members 1013  
employed by the employer. 1014

(i) Payments made to or on behalf of a teacher that are in 1015  
excess of the annual compensation that may be taken into account 1016  
by the retirement system under division (a)(17) of section 401 of 1017  
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1018  
401(a)(17), as amended. For a teacher who first establishes 1019  
membership before July 1, 1996, the annual compensation that may 1020  
be taken into account by the retirement system shall be determined 1021  
under division (d)(3) of section 13212 of the "Omnibus Budget 1022  
Reconciliation Act of 1993," Pub. L. No. 103-66, 107 Stat. 472. 1023

(j) Payments made under division (B), (C), or (E) of section 1024  
5923.05 of the Revised Code, Section 4 of Substitute Senate Bill 1025  
No. 3 of the 119th general assembly, Section 3 of Amended 1026  
Substitute Senate Bill No. 164 of the 124th general assembly, or 1027  
Amended Substitute House Bill No. 405 of the 124th general 1028  
assembly; 1029

(k) Anything of value received by the teacher that is based 1030  
on or attributable to retirement or an agreement to retire. 1031

(3) The retirement board shall determine by rule both of the 1032  
following: 1033

(a) Whether particular forms of earnings are included in any 1034  
of the categories enumerated in this division; 1035

(b) Whether any form of earnings not enumerated in this 1036  
division is to be included in compensation. 1037

Decisions of the board made under this division shall be 1038  
final. 1039

(M) "Superannuate" means both of the following: 1040

(1) A former teacher receiving from the system a retirement 1041  
allowance under section 3307.58 or 3307.59 of the Revised Code; 1042

(2) A former teacher receiving a benefit from the system 1043  
under a plan established under section 3307.81 of the Revised 1044  
Code, except that "superannuate" does not include a former teacher 1045  
who is receiving a benefit based on disability under a plan 1046  
established under section 3307.81 of the Revised Code. 1047

For purposes of sections 3307.35 and 3307.353 of the Revised 1048  
Code, "superannuate" also means a former teacher receiving from 1049  
the system a combined service retirement benefit paid in 1050  
accordance with section 3307.57 of the Revised Code, regardless of 1051  
which retirement system is paying the benefit. 1052

**Sec. 3311.71.** (A) As used in this section and in sections 1053  
3311.72 to ~~3311.76~~ 3311.87 of the Revised Code: 1054

(1) "Municipal school district" means a school district that 1055  
is or has ever been under a federal court order requiring 1056  
supervision and operational, fiscal, and personnel management of 1057  
the district by the state superintendent of public instruction. 1058

(2) "Mayor" means the mayor of the municipal corporation 1059  
containing the greatest portion of a municipal school district's 1060  
territory. 1061

(B) Whenever any municipal school district is released by a 1062  
federal court from an order requiring supervision and operational, 1063  
fiscal, and personnel management of the district by the state 1064  
superintendent, the management and control of that district shall 1065

be assumed, effective immediately, by a new nine-member board of 1066  
education. Members of the new board shall be appointed by the 1067  
mayor, who shall also designate one member as the chairperson of 1068  
the board. In addition to the rights, authority, and duties 1069  
conferred upon the chairperson by sections 3311.71 to ~~3311.76~~ 1070  
3311.87 of the Revised Code, the chairperson shall have all the 1071  
rights, authority, and duties conferred upon the president of a 1072  
board of education by the Revised Code that are not inconsistent 1073  
with sections 3311.71 to ~~3311.76~~ 3311.87 of the Revised Code. 1074

(C) No school board member shall be appointed by the mayor 1075  
pursuant to division (B) of this section until the mayor has 1076  
received a slate of at least eighteen candidates nominated by a 1077  
municipal school district nominating panel, at least three of whom 1078  
reside in the municipal school district but not in the municipal 1079  
corporation containing the greatest portion of the district's 1080  
territory. The municipal school district nominating panel shall be 1081  
initially convened and chaired by the state superintendent of 1082  
public instruction, who shall serve as a nonvoting member for the 1083  
first two years of the panel's existence, and shall consist of 1084  
eleven persons selected as follows: 1085

(1) Three parents or guardians of children attending the 1086  
schools of the municipal school district appointed by the district 1087  
parent-teacher association, or similar organization selected by 1088  
the state superintendent; 1089

(2) Three persons appointed by the mayor; 1090

(3) One person appointed by the president of the legislative 1091  
body of the municipal corporation containing the greatest portion 1092  
of the municipal school district's territory; 1093

(4) One teacher appointed by the collective bargaining 1094  
representative of the school district's teachers; 1095

(5) One principal appointed through a vote of the school 1096

district's principals, which vote shall be conducted by the state 1097  
superintendent; 1098

(6) One representative of the business community appointed by 1099  
an organized collective business entity selected by the mayor; 1100

(7) One president of a public or private institution of 1101  
higher education located within the municipal school district 1102  
appointed by the state superintendent of public instruction. 1103

The municipal school district nominating panel shall select 1104  
one of its members as its chairperson commencing two years after 1105  
the date of the first meeting of the panel, at which time the 1106  
state superintendent of public instruction shall no longer convene 1107  
or chair the panel. Thereafter, the panel shall meet as necessary 1108  
to make nominations at the call of the chairperson. All members of 1109  
the panel shall serve at the pleasure of the appointing authority. 1110  
Vacancies on the panel shall be filled in the same manner as the 1111  
initial appointments. 1112

(D) No individual shall be appointed by the mayor pursuant to 1113  
division (B) or (F) of this section unless the individual has been 1114  
nominated by the nominating panel, resides in the school district, 1115  
and holds no elected public office. At any given time, four of the 1116  
nine members appointed by the mayor to serve on the board pursuant 1117  
to either division (B) or (F) of this section shall have 1118  
displayed, prior to appointment, significant expertise in either 1119  
the education field, finance, or business management. At all times 1120  
at least one member of the board shall be an individual who 1121  
resides in the municipal school district but not in the municipal 1122  
corporation containing the greatest portion of the district's 1123  
territory. 1124

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

by section 3311.73 of the Revised Code. The mayor may, with the 1128  
advice and consent of the nominating panel, remove any member 1129  
appointed pursuant to that division or division (F) of this 1130  
section for cause. 1131

(F) If the voters of the district approve the continuation of 1132  
an appointed board at the referendum election required by section 1133  
3311.73 of the Revised Code, the mayor shall appoint the members 1134  
of a new board from a slate prepared by the nominating panel in 1135  
the same manner as the initial board was appointed pursuant to 1136  
divisions (B), (C), and (D) of this section. Five of the members 1137  
of the new board shall be appointed to four-year terms and the 1138  
other four shall be appointed to two-year terms, each term 1139  
beginning on the first day of July. Thereafter, the mayor shall 1140  
appoint members to four-year terms in the same manner as described 1141  
in divisions (B), (C), and (D) of this section. The minimum number 1142  
of individuals who shall be on the slate prepared by the 1143  
nominating panel for this purpose shall be at least twice the 1144  
number of members to be appointed, including at least two who 1145  
reside in the municipal school district but not in the municipal 1146  
corporation containing the greatest portion of the district's 1147  
territory. 1148

(G) In addition to the nine members appointed by the mayor, 1149  
the boards appointed pursuant to divisions (B) and (F) of this 1150  
section shall include the following nonvoting ex officio members: 1151

(1) If the main campus of a state university specified in 1152  
section 3345.011 of the Revised Code is located within the 1153  
municipal school district, the president of the university or the 1154  
president's designee; 1155

(2) If any community college has its main branch located 1156  
within the district, the president of the community college that 1157  
has the largest main branch within the district, or the 1158  
president's designee. 1159

Sec. 3311.72. This section does not apply to any principal, 1160  
assistant principal, or other administrator who is employed to 1161  
perform administrative functions primarily within one school 1162  
building. 1163

(A) On the effective date of the assumption of control of a 1164  
municipal school district by the new board of education pursuant 1165  
to division (B) of section 3311.71 of the Revised Code, the 1166  
treasurer, business manager, superintendent, assistant 1167  
superintendents, and other administrators of the school district 1168  
shall submit their resignations to the board. As used in this 1169  
section, "other administrator" has the same meaning as in section 1170  
3319.02 of the Revised Code. 1171

(B) Notwithstanding Chapter 3319. of the Revised Code: 1172

(1) Until thirty months after the date of the assumption of 1173  
control of a municipal school district by a board pursuant to 1174  
division (B) of section 3311.71 of the Revised Code, the mayor 1175  
shall appoint the chief executive officer and fill any vacancies 1176  
occurring in that position. 1177

(2) After the board appointed pursuant to division (B) of 1178  
section 3311.71 of the Revised Code has been in control of a 1179  
municipal school district for thirty months, the mayor shall 1180  
appoint the chief executive officer and fill any vacancies 1181  
occurring in that position, with the concurrence of the board. 1182

(3) After the first date of the assumption of control of a 1183  
municipal school district by a board pursuant to division (F) of 1184  
section 3311.71 of the Revised Code, the board shall appoint the 1185  
chief executive officer and fill any vacancies occurring in that 1186  
position, with the concurrence of the mayor. 1187

(4) An individual appointed to the position of chief 1188  
executive officer under division (B)(1), (2), or (3) of this 1189

section shall have a contract with the school district that 1190  
includes such terms and conditions of employment as are agreeable 1191  
to the board and the appointee, except that each such contract 1192  
shall contain a provision stating that, unless the individual 1193  
chooses to terminate the contract at a prior time: 1194

(a) During the first thirty months after the date of the 1195  
assumption of control of the municipal school district by the 1196  
board pursuant to division (B) of section 3311.71 of the Revised 1197  
Code, the individual will serve at the pleasure of the mayor; 1198

(b) Beginning thirty months after the date of assumption of 1199  
control, the individual will serve at the pleasure of the board, 1200  
with the mayor's concurrence required for removal. 1201

(c) The chief executive officer shall appoint a chief 1202  
financial officer, a chief academic officer, a chief operating 1203  
officer, and a chief communications officer and any other 1204  
administrators for the district as the chief executive officer 1205  
shall determine to be necessary. The chief executive officer shall 1206  
also appoint ombudspersons who shall answer questions and seek to 1207  
resolve problems and concerns raised by parents and guardians of 1208  
children attending district schools. The chief executive officer 1209  
shall appoint a sufficient number of ombudspersons to serve the 1210  
needs of the parents and guardians. 1211

A municipal school district is not required to have a 1212  
superintendent appointed pursuant to section 3319.01 of the 1213  
Revised Code or a treasurer elected pursuant to section 3313.22 of 1214  
the Revised Code. In addition to the rights, authority, and duties 1215  
conferred upon the chief executive officer and chief financial 1216  
officer in sections 3311.71 to ~~3311.76~~ 3311.87 of the Revised 1217  
Code, the chief executive officer and the chief financial officer 1218  
shall have all of the rights, authority, and duties conferred upon 1219  
the superintendent of a school district and the treasurer of a 1220  
board of education, respectively, by the Revised Code that are not 1221



inconsistent with sections 3311.71 to ~~3311.76~~ 3311.87 of the Revised Code.

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

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

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

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

(B)(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 1253  
the fifteenth day of December each year, at least one 1254  
parent-teacher conference or similar event held by the school the 1255  
student attends to provide an opportunity for the parents and 1256  
guardians to meet the student's teachers, discuss expectations for 1257  
the student, discuss the student's performance, and foster 1258  
communication between home and school. 1259

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

(3) Prior to taking corrective action pursuant to the plan, 1270  
the chief executive officer shall first identify which schools are 1271  
in need of corrective action, what corrective action is warranted 1272  
at each school, and when the corrective action should be 1273  
implemented. Collectively, these items shall be known as the 1274  
"corrective plan." The corrective plan is not intended to be used 1275  
as a cost savings measure; rather, it is intended to improve 1276  
student performance at targeted schools. 1277

Immediately after developing the corrective plan, the chief 1278  
executive officer and the presiding officer of each labor 1279  
organization whose members will be affected by the corrective plan 1280  
shall each appoint up to four individuals to form one or more 1281  
corrective action teams. The corrective action teams, within the 1282  
timelines set by the chief executive officer for implementation of 1283  
the corrective plan, shall collaborate with the chief executive 1284

officer and, where there are overlapping or mutual concerns, with 1285  
other corrective action teams to make recommendations to the chief 1286  
executive officer on implementation of the corrective plan. 1287

If the chief executive officer disagrees with all or part of 1288  
the recommendations of a corrective action team, or if a 1289  
corrective action team fails to make timely recommendations on the 1290  
implementation of all or part of the corrective plan, the chief 1291  
executive officer may implement the corrective plan in the manner 1292  
in which the chief executive officer determines to be in the best 1293  
interest of the students, consistent with the timelines originally 1294  
established. 1295

The chief executive officer and any corrective action team 1296  
are not bound by the applicable provisions of collective 1297  
bargaining agreements in developing recommendations for and 1298  
implementing the corrective plan. 1299

(4) Notwithstanding anything to the contrary in Chapter 4117. 1300  
of the Revised Code, the content and implementation of the 1301  
corrective plan prevail over any conflicting provision of a 1302  
collective bargaining agreement entered into on or after the 1303  
effective date of this amendment. 1304

(C) Annually the chief executive officer shall issue a report 1305  
to residents of the district that includes results of achievement 1306  
measurements made under division (B)(1) of this section and 1307  
delineates the nature of any reforms and corrective actions being 1308  
taken in response to any failure to achieve at an acceptable level 1309  
or rate. The report shall also contain descriptions of efforts 1310  
undertaken to improve the overall quality or efficiency of 1311  
operation of the district, shall list the source of all district 1312  
revenues, and shall contain a description of all district 1313  
expenditures during the preceding fiscal year. 1314

(D) The chief executive officer shall implement a public 1315

awareness campaign to keep the parents and guardians of the 1316  
district's students informed of the changes being implemented 1317  
within the district. The campaign may include such methods as 1318  
community forums, letters, and brochures. It shall include annual 1319  
distribution to all parents and guardians of an information card 1320  
specifying the names and business addresses and telephone numbers 1321  
of the ombudspersons appointed under section 3311.72 of the 1322  
Revised Code and other employees of the district board of 1323  
education who may serve as information resources for parents and 1324  
guardians. 1325

Sec. 3311.741. (A) This section applies only to a municipal 1326  
school district in existence on July 1, 2012. 1327

(B) Not later than December 1, 2012, the board of education 1328  
of each municipal school district to which this section applies 1329  
shall submit to the superintendent of public instruction an array 1330  
of measures to be used in evaluating the performance of the 1331  
district. The measures shall assess at least overall student 1332  
achievement, student progress over time, the achievement and 1333  
progress over time of each of the applicable categories of 1334  
students described in division (C)(3) of section 3302.03 of the 1335  
Revised Code, and college and career readiness. The state 1336  
superintendent shall approve or disapprove the measures by January 1337  
15, 2013. If the measures are disapproved, the state 1338  
superintendent shall recommend modifications that will make the 1339  
measures acceptable. 1340

(C) Beginning with the 2012-2013 school year, the board 1341  
annually shall establish goals for improvement on each of the 1342  
measures approved under division (B) of this section. The school 1343  
district's performance data for the 2011-2012 school year shall be 1344  
used as a baseline for determining improvement. 1345

(D) Not later than October 1, 2013, and by the first day of 1346

October each year thereafter, the board shall issue a report 1347  
describing the school district's performance for the previous 1348  
school year on each of the measures approved under division (B) of 1349  
this section and whether the district has met each of the 1350  
improvement goals established for that year under division (C) of 1351  
this section. The board shall provide the report to the governor, 1352  
the superintendent of public instruction, and, in accordance with 1353  
section 101.68 of the Revised Code, the general assembly. 1354

(E) Not later than November 15, 2017, the superintendent of 1355  
public instruction shall evaluate the school district's 1356  
performance based on the measures approved under division (B) of 1357  
this section and shall issue a report to the governor and general 1358  
assembly. 1359

**Sec. 3311.742.** (A) As used in this section, "partnering 1360  
community school" means a community school established under 1361  
Chapter 3314. of the Revised Code that is located within the 1362  
territory of a municipal school district and that either is 1363  
sponsored by the district or is a party to an agreement with the 1364  
district whereby the district and the community school endorse 1365  
each other's programs. 1366

(B) The board of education of each municipal school district 1367  
and the governing authority of each partnering community school 1368  
shall require each of its schools offering grades nine to twelve 1369  
to establish a student advisory committee to make recommendations 1370  
as prescribed in this division. The principal of the school and, 1371  
if applicable, representatives of the teachers' labor organization 1372  
who are employed in the school shall determine the composition of 1373  
the committee and the process for selecting committee members, 1374  
which shall allow for all students enrolled in the school to be 1375  
informed about, and involved in, member selection. 1376

The committee shall make regular recommendations, but at 1377

<u>least semiannually, regarding the following:</u>	1378
<u>(1) Strategies to improve teaching and learning at the school;</u>	1379
<u>(2) How to use technology in the classroom to engage students in the learning process;</u>	1380
<u>(3) Strategies to encourage high-achieving students to work with underperforming students to improve the school's academic culture and graduation rate;</u>	1381
<u>(4) Ways in which students may improve the behavior of other students and reduce incidents of bullying and other disruptive conduct;</u>	1382
<u>(5) Procedures for monitoring the progress of the changes implemented;</u>	1383
<u>(6) Any other issues requested by school personnel or the board or governing authority.</u>	1384
<u>(C) The student advisory committee shall provide copies of its recommendations to the district chief executive officer, the school principal, and, if applicable, the person designated to be the representative of the teachers' labor organization for the school. The board or governing authority shall post the recommendations on the district's or school's web site.</u>	1385
<u>Sec. 3311.751. Notwithstanding division (F) of section 5705.10 of the Revised Code, if a municipal school district board of education sells real property that it owns in its corporate capacity, moneys received from the sale may be paid into the general fund of the district, as long as all of the following conditions are satisfied:</u>	1386
<u>(A) The district has owned the real property for at least ten years.</u>	1387
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(B) The real property and any improvements to that real property were not acquired with the proceeds of public obligations, as defined in section 133.01 of the Revised Code, of the district that are outstanding at the time of the sale. 1407  
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(C) The deposit of those moneys in that manner is not prohibited by any agreements the district board has entered into with the Ohio school facilities commission. 1411  
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**Sec. 3311.76.** (A) Notwithstanding Chapters 3302. and 3317. of the Revised Code, upon written request of the district chief executive officer, the state superintendent of public instruction may exempt a municipal school district from any rules adopted under Title XXXIII of the Revised Code except for any rule adopted under Chapter 3307. or 3309., sections 3319.07 to 3319.21, or Chapter 3323. of the Revised Code, and may authorize a municipal school district to apply funds allocated to the district under Chapter 3317. of the Revised Code, except those specifically allocated to purposes other than current expenses, to the payment of debt charges on the district's public obligations. The request must specify the provisions from which the district is seeking exemption or the application of funds requested and the reasons for the request. The state superintendent shall approve the request if the superintendent finds the requested exemption or application of funds is in the best interest of the district's students. The superintendent shall approve or disapprove the request within thirty days and shall notify the district board and the district chief executive officer of approval or reasons for disapproving the request. 1414  
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(B) The board of education of a municipal school district may apply for an exemption from specific statutory provisions or rules under section 3302.07 of the Revised Code. 1434  
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(C) In addition to the rights, authority, and duties 1437

conferred upon a municipal school district and its board of 1438  
education in sections 3311.71 to ~~3311.76~~ 3311.87 of the Revised 1439  
Code, a municipal school district and its board shall have all of 1440  
the rights, authority, and duties conferred upon a city school 1441  
district and its board by law that are not inconsistent with 1442  
sections 3311.71 to ~~3311.76~~ 3311.87 of the Revised Code. 1443

Sec. 3311.77. Notwithstanding any provision of the Revised 1444  
Code to the contrary, and except as otherwise specified in 1445  
division (G)(1) of this section, a municipal school district shall 1446  
be subject to this section instead of section 3319.08 of the 1447  
Revised Code. Section 3319.0811 of the Revised Code shall not 1448  
apply to the district. 1449

(A) The board of education of each municipal school district 1450  
shall enter into written contracts for the employment and 1451  
re-employment of all teachers. Contracts for the employment of 1452  
teachers shall be of three types, limited contracts, extended 1453  
limited contracts, and continuing contracts. If the board 1454  
authorizes compensation in addition to the salary paid under 1455  
section 3311.78 of the Revised Code for the performance of duties 1456  
by a teacher that are in addition to the teacher's regular 1457  
teaching duties, the board shall enter into a supplemental written 1458  
contract with each teacher who is to perform additional duties. 1459  
Such supplemental written contracts shall be limited contracts. 1460  
Such written contracts and supplemental written contracts shall 1461  
set forth the teacher's duties and shall specify the salaries and 1462  
compensation to be paid for regular teaching duties and additional 1463  
teaching duties, respectively. 1464

If the board adopts a motion or resolution to employ a 1465  
teacher under a limited contract or extended limited contract, or 1466  
under a continuing contract pursuant to division (E) of this 1467  
section, and the teacher accepts such employment, the failure of 1468



such parties to execute a written contract shall not void such 1469  
employment contract. 1470

(B) Teachers shall be paid for all time lost when the schools 1471  
in which they are employed are closed due to an epidemic or other 1472  
public calamity, and for time lost due to illness or otherwise for 1473  
not less than five days annually as authorized by regulations 1474  
which the board shall adopt. 1475

(C) The term of a limited contract for a teacher shall not 1476  
exceed the following: 1477

(1) Five years, in the case of a contract entered into prior 1478  
to the effective date of this section; 1479

(2) A term as authorized in division (D) of this section, in 1480  
the case of a contract entered into on or after the effective date 1481  
of this section. 1482

(D) The term of an initial limited contract for a teacher 1483  
described in division (C)(2) of this section shall not exceed two 1484  
years. Any subsequent limited contract entered into with that 1485  
teacher shall not exceed five years. 1486

(E) A continuing contract is a contract that remains in 1487  
effect until the teacher resigns, elects to retire, or is retired 1488  
pursuant to former section 3307.37 of the Revised Code, or until 1489  
it is terminated or suspended and shall be granted only to 1490  
teachers who have provided notice of their eligibility by the 1491  
fifteenth day of September of the year the teacher becomes 1492  
eligible for a continuing contract and who have met one of the 1493  
following criteria: 1494

(1) The teacher holds a professional, permanent, or life 1495  
teacher's certificate; 1496

(2) The teacher meets the following conditions: 1497

(a) The teacher was initially issued a teacher's certificate 1498

or educator license prior to January 1, 2011. 1499

(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. 1500  
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(c) The teacher has completed the applicable one of the following: 1505  
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(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; 1507  
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(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. 1513  
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(3) The teacher meets the following conditions: 1519

(a) The teacher never held a teacher's certificate and was initially issued an educator license on or after January 1, 2011. 1520  
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(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. 1522  
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(c) The teacher has held an educator license for at least seven years. 1525  
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(d) The teacher has completed the applicable one of the following: 1527  
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(i) If the teacher did not hold a master's degree at the time of initially receiving 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 that license, as specified in rules which the state board shall adopt; 1529  
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(ii) If the teacher held a master's degree at the time of initially receiving 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 that license, as specified in rules which the state board shall adopt. 1534  
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(F) Nothing in division (E) of this section shall be construed to void or otherwise affect a continuing contract entered into prior to the effective date of this section. 1539  
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(G) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code: 1542  
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(1) The requirements of division (D)(3) of section 3319.08 of the Revised Code prevail over any conflicting provisions of a collective bargaining agreement entered into between October 16, 2009, and the effective date of this section. 1544  
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(2) 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. 1548  
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(H) Wherever the term "educator license" is used in this section without reference to a specific type of educator license, the term does not include an educator license for substitute teaching issued under section 3319.226 of the Revised Code. 1551  
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**Sec. 3311.78.** Notwithstanding any provision of the Revised Code to the contrary, a municipal school district shall be subject to this section instead of sections 3317.13, 3317.14, and 3317.141 of the Revised Code. 1555  
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(A) As used in this section, "principal" includes an 1559  
assistant principal. 1560

(B) The board of education of each municipal school district 1561  
annually shall adopt a differentiated salary schedule for teachers 1562  
based upon performance as described in division (D) of this 1563  
section. The board also annually shall adopt a differentiated 1564  
salary schedule for principals based upon performance as described 1565  
in division (D) of this section. 1566

For each teacher or principal hired on or after the effective 1567  
date of this section, the board shall determine the teacher's or 1568  
principal's initial placement on the applicable salary schedule 1569  
based on years of experience and area of licensure and any other 1570  
factors the board considers appropriate. For each teacher hired 1571  
prior to the effective date of this section, the board shall 1572  
initially place the teacher on the applicable salary schedule so 1573  
that the teacher's annual salary on the schedule is comparable to 1574  
the teacher's annual salary for the school year immediately prior 1575  
to the school year covered by the schedule. For each principal 1576  
hired prior to the effective date of this section, the board shall 1577  
initially place the principal on the applicable salary schedule 1578  
consistent with the principal's employment contract. 1579

(C) The salary of a teacher shall not be reduced unless such 1580  
reduction is accomplished as part of a negotiated collective 1581  
bargaining agreement. The salary of a principal shall not be 1582  
reduced during the term of the principal's employment contract 1583  
unless such reduction is by mutual agreement of the board and the 1584  
principal or is part of a uniform plan affecting the entire 1585  
district. 1586

(D) For purposes of the schedules, the board shall measure a 1587  
teacher's or principal's performance by considering all of the 1588  
following: 1589

(1) The level of license issued under section 3319.22 of the Revised Code that the teacher or principal holds; 1590  
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(2) Whether the teacher or principal is a highly qualified teacher, as defined in section 3319.074 of the Revised Code; 1592  
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(3) Ratings received by the teacher or principal on performance evaluations conducted under section 3311.80 or 3311.84 of the Revised Code; 1594  
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(4) Any specialized training and experience in the assigned position. 1597  
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(E) The salary schedules adopted under this section may provide for additional compensation for teachers or principals who perform duties, not contracted for under a supplemental contract, that the board determines warrant additional compensation. Those duties may include, but are not limited to, assignment to a school building eligible for funding under Title I of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6301 et seq.; assignment to a building in "school improvement" status under the "No Child Left Behind Act of 2001," as defined in section 3302.01 of the Revised Code; teaching in a grade level or subject area in which the board has determined there is a shortage within the district; assignment to a hard-to-staff school, as determined by the board; or teaching in a school with an extended school day or school year. 1599  
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(F) The chief executive officer of the district, or the chief executive officer's designee, annually shall review the salary of each teacher and principal and make a recommendation to the board. Based on the recommendation, the board may increase a teacher's or principal's salary based on the teacher's or principal's performance and duties as provided for in divisions (D) and (E) of this section. The performance-based increase for a teacher or principal rated as accomplished shall be greater than the 1613  
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performance-based increase for a teacher or principal rated as 1621  
proficient. Notwithstanding division (C) of this section, division 1622  
(C) of section 3319.02, and section 3319.12 of the Revised Code, 1623  
the board may decrease the teacher's or principal's salary if the 1624  
teacher or principal will perform fewer or different duties 1625  
described in division (E) of this section in the school year for 1626  
which the salary is decreased. 1627

(G) Notwithstanding any provision to the contrary in Chapter 1628  
4117. of the Revised Code, the requirements of this section 1629  
prevail over any conflicting provisions of a collective bargaining 1630  
agreement entered into on or after the effective date of this 1631  
section. However, the board and the teachers' labor organization 1632  
shall negotiate the implementation of the differentiated salary 1633  
schedule for teachers and may negotiate additional factors 1634  
regarding teacher salaries, provided those factors are consistent 1635  
with this section. 1636

**Sec. 3311.79.** (A) When assigning teachers to schools of a 1637  
municipal school district prior to the start of a school year, 1638  
teachers may apply for open positions. All applicants shall be 1639  
considered. Applicants may be interviewed by a building level team 1640  
comprised of the building principal, a representative of the 1641  
district teachers' labor organization, a parent, a staff member in 1642  
the same job classification as the posted position, and any other 1643  
members mutually agreed upon by the principal and the labor 1644  
organization representative. When openings occur, the principal 1645  
and labor organization representative shall mutually select the 1646  
members of the building level team. Interviews by the building 1647  
level team shall not be delayed due to the unavailability of duly 1648  
notified team members. The team shall make recommendations whether 1649  
to assign a teacher to an open position in the building based on 1650  
how suitably the teacher's credentials fulfill the needs of the 1651  
particular school. For this purpose, the building level team shall 1652



consideration all input from the building level team members. 1683

(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. 1684  
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(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. 1698  
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(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. 1708  
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(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 1712  
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agreement entered into on or after the effective date of this 1715  
section. However, the board and the teachers' labor organization 1716  
shall negotiate regarding the implementation of this section, 1717  
including the processes by which each building level team conducts 1718  
its interviews and makes recommendations, consistent with this 1719  
section. 1720

Sec. 3311.80. 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 3319.111 of the Revised Code. 1723

(A) Not later than July 1, 2013, the board of education of 1724  
each municipal school district and the teachers' labor 1725  
organization shall develop and adopt standards-based teacher 1726  
evaluation procedures that conform with the framework for 1727  
evaluation of teachers developed under section 3319.112 of the 1728  
Revised Code. The evaluation procedures shall include at least 1729  
formal observations and classroom walk-throughs, which may be 1730  
announced or unannounced; examinations of samples of work, such as 1731  
lesson plans or assessments designed by a teacher; and multiple 1732  
measures of student academic growth. 1733

(B) When using measures of student academic growth as a 1734  
component of a teacher's evaluation, those measures shall include 1735  
the value-added progress dimension prescribed by section 3302.021 1736  
of the Revised Code. For teachers of grade levels and subjects for 1737  
which the value-added progress dimension is not applicable, the 1738  
board shall administer assessments on the list developed under 1739  
division (B)(2) of section 3319.112 of the Revised Code. 1740

(C)(1) Each teacher employed by the board shall be evaluated 1741  
at least once each school year, except as provided in division 1742  
(C)(2) of this section. The composite evaluation shall be 1743  
completed not later than the first day of June and the teacher 1744  
shall receive a written report of the results of the composite 1745

evaluation not later than ten days after its completion or the 1746  
last teacher work day of the school year, whichever is earlier. 1747

(2) Each teacher who received a rating of accomplished on the 1748  
teacher's most recent evaluation conducted under this section may 1749  
be evaluated once every two school years, except that the teacher 1750  
shall be evaluated in any school year in which the teacher's 1751  
contract is due to expire. The biennial composite evaluation shall 1752  
be completed not later than the first day of June of the 1753  
applicable school year, and the teacher shall receive a written 1754  
report of the results of the composite evaluation not later than 1755  
ten days after its completion or the last teacher work day of the 1756  
school year, whichever is earlier. 1757

(D) Each evaluation conducted pursuant to this section shall 1758  
be conducted by one or more of the following persons who have been 1759  
trained to conduct evaluations in accordance with criteria that 1760  
shall be developed jointly by the chief executive officer of the 1761  
district, or the chief executive officer's designee, and the 1762  
teachers' labor organization: 1763

(1) The chief executive officer or a subordinate officer of 1764  
the district with responsibility for instruction or academic 1765  
affairs; 1766

(2) A person who is under contract with the board pursuant to 1767  
section 3319.02 of the Revised Code and holds a license designated 1768  
for being a principal issued under section 3319.22 of the Revised 1769  
Code; 1770

(3) A person who is under contract with the board pursuant to 1771  
section 3319.02 of the Revised Code and holds a license designated 1772  
for being a vocational director or a supervisor in any educational 1773  
area issued under section 3319.22 of the Revised Code; 1774

(4) A person designated to conduct evaluations under an 1775  
agreement providing for peer assistance and review entered into by 1776

the board and the teachers' labor organization. 1777

(E) The evaluation procedures shall describe how the 1778  
evaluation results will be used for decisions regarding 1779  
compensation, retention, promotion, and reductions in force and 1780  
for removal of poorly performing teachers. 1781

(F) A teacher may challenge any violations of the evaluation 1782  
procedures in accordance with the grievance procedure specified in 1783  
any applicable collective bargaining agreement. A challenge under 1784  
this division is limited to the determination of procedural errors 1785  
that have resulted in substantive harm to the teacher and to 1786  
ordering the correction of procedural errors. The failure of the 1787  
board or a person conducting an evaluation to strictly comply with 1788  
any deadline or evaluation forms established as part of the 1789  
evaluation process shall not be cause for an arbitrator to 1790  
determine that a procedural error occurred, unless the arbitrator 1791  
finds that the failure resulted in substantive harm to the 1792  
teacher. The arbitrator shall have no jurisdiction to modify the 1793  
evaluation results, but the arbitrator may stay any decision taken 1794  
pursuant to division (E) of this section pending the board's 1795  
correction of any procedural error. The board shall correct any 1796  
procedural error within fifteen business days after the 1797  
arbitrator's determination that a procedural error occurred. 1798

(G) Notwithstanding any provision to the contrary in Chapter 1799  
4117. of the Revised Code, the requirements of this section 1800  
prevail over any conflicting provisions of a collective bargaining 1801  
agreement entered into on or after the effective date of this 1802  
section. However, the board and the teachers' labor organization 1803  
may negotiate additional evaluation procedures, including an 1804  
evaluation process incorporating peer assistance and review, 1805  
provided the procedures are consistent with this section. 1806

(H) This section does not apply to administrators appointed 1807  
by the chief executive officer of a municipal school district 1808

under section 3311.72 of the Revised Code, administrators subject 1809  
to evaluation procedures under section 3311.84 or 3319.02 of the 1810  
Revised Code, or to any teacher employed as a substitute for less 1811  
than one hundred twenty days during a school year pursuant to 1812  
section 3319.10 of the Revised Code. 1813

Sec. 3311.81. Notwithstanding any provision of the Revised 1814  
Code to the contrary, a municipal school district shall be subject 1815  
to this section instead of section 3319.11 of the Revised Code. 1816

(A) As used in this section: 1817

(1) "Evaluation procedures" means the procedures adopted 1818  
pursuant to division (A) of section 3311.80 of the Revised Code. 1819

(2) "Limited contract" means a limited contract, as described 1820  
in section 3311.77 of the Revised Code, that the board of 1821  
education of a municipal school district enters into with a 1822  
teacher who is not eligible for a continuing contract. 1823

(3) "Extended limited contract" means a limited contract, as 1824  
described in section 3311.77 of the Revised Code, that the board 1825  
enters into with a teacher who is eligible for a continuing 1826  
contract, but to whom a continuing contract has not been granted 1827  
by the board. 1828

(B) The board of education of each municipal school district 1829  
shall enter into a limited contract with each teacher employed by 1830  
the board who is not eligible to be considered for a continuing 1831  
contract. 1832

Any teacher employed under a limited contract who is not 1833  
eligible to be considered for a continuing contract is, at the 1834  
expiration of such limited contract, considered re-employed under 1835  
a one-year limited contract, unless the board gives such teacher 1836  
written notice of its intention not to re-employ such teacher on 1837  
or before the first day of June. The teacher is presumed to have 1838

accepted such employment unless the teacher notifies the board in 1839  
writing to the contrary on or before the tenth day of July. 1840

Any teacher receiving a written notice of the intention of 1841  
the board not to re-employ such teacher pursuant to this division 1842  
is entitled to a hearing under division (C) of this section. 1843

(C) Any teacher receiving written notice of the intention of 1844  
the board not to re-employ such teacher pursuant to division (B) 1845  
of this section may request a hearing before the board. The 1846  
request for a hearing shall be in writing and shall be delivered 1847  
to the chief financial officer of the district within ten days of 1848  
the date of receipt of the notice. The hearing shall be held in 1849  
executive session of the board at the board's next scheduled 1850  
meeting. Following the hearing, or if no hearing is requested, the 1851  
board shall act on the question of the teacher's re-employment. 1852  
The decision of the board shall be final and shall not be subject 1853  
to further appeal. 1854

(D)(1) Upon the recommendation of the chief executive officer 1855  
that a teacher be re-employed where the teacher satisfies the 1856  
criteria in division (E) of section 3311.77 of the Revised Code 1857  
and has taught in the district for at least three years, or at 1858  
least two years in the case of a teacher who received a continuing 1859  
contract elsewhere, the board shall enter into a continuing 1860  
contract with the teacher, unless the board by a three-fourths 1861  
vote of its full membership rejects the recommendation of the 1862  
chief executive officer. If the board rejects the recommendation, 1863  
or if the chief executive officer recommends that the teacher not 1864  
be re-employed, the board may proceed not to renew the teacher's 1865  
contract in accordance with this section as if the teacher was not 1866  
eligible to be considered for a continuing contract. 1867

(2) In the event the chief executive officer does not 1868  
recommend to the board that a teacher receive a continuing 1869  
contract where the teacher satisfies the criteria in division (E) 1870

of section 3311.77 of the Revised Code and has taught in the 1871  
district for at least three years, or at least two years in the 1872  
case of a teacher who received a continuing contract elsewhere, 1873  
the chief executive officer may recommend to the board that the 1874  
teacher receive an extended limited contract. In that event, the 1875  
chief executive officer, or the chief executive officer's 1876  
designee, shall provide the teacher written notice, not less than 1877  
five business days prior to any board action on the 1878  
recommendation, with reasons directed at professional development. 1879  
The board shall act on the recommendation for an extended limited 1880  
contract with reasons directed at professional development not 1881  
later than the first day of June. An extended limited contract may 1882  
be issued: 1883

(a) For a teacher who has been awarded a continuing contract 1884  
in another school district and has served in the municipal school 1885  
district for two years, in one-year increments or for multiple 1886  
years, in no event to exceed a total of two years; 1887

(b) For a teacher who is newly eligible for a continuing 1888  
contract, in one-year increments or for multiple years, in no 1889  
event to exceed a total of four years. 1890

Upon any subsequent reemployment of the teacher after the 1891  
expiration of the extended limited contract or contracts, only a 1892  
continuing contract may be entered into. The teacher is presumed 1893  
to have accepted employment under such continuing contract unless 1894  
the teacher notifies the board in writing to the contrary before 1895  
the tenth day of July, and a continuing contract shall be executed 1896  
accordingly. 1897

(3) In the event the chief executive officer fails to make 1898  
any recommendation regarding a contract for a teacher who 1899  
satisfies the criteria in division (E) of section 3311.77 of the 1900  
Revised Code and has taught in the district for at least three 1901  
years, or at least two years in the case of a teacher who received 1902

a continuing contract elsewhere, the teacher shall be re-employed 1903  
under a one-year extended limited contract. That contract may be 1904  
subsequently extended for an additional one to three years 1905  
consistent with divisions (D)(2)(a) and (b) of this section. The 1906  
teacher is presumed to have accepted employment under such 1907  
extended limited contract unless the teacher notifies the board in 1908  
writing to the contrary before the tenth day of July. 1909

(E) The provisions of this section shall not apply to any 1910  
supplemental written contracts entered into pursuant to section 1911  
3311.77 of the Revised Code. 1912

(F) Notwithstanding any provision to the contrary in Chapter 1913  
4117. of the Revised Code, the requirements of this section 1914  
prevail over any conflicting provisions of a collective bargaining 1915  
agreement entered into on or after the effective date of this 1916  
section. However, the board and the teachers' labor organization 1917  
shall negotiate the due process procedures preceding a teacher's 1918  
receipt of a written notice indicating the intent of the board not 1919  
to re-employ the teacher, which procedures shall be consistent 1920  
with this section. 1921

**Sec. 3311.82.** Notwithstanding any provision of the Revised 1922  
Code to the contrary, a municipal school district shall be subject 1923  
to this section instead of sections 3319.16 and 3319.161 of the 1924  
Revised Code with respect to termination of teacher contracts, but 1925  
those sections shall apply to the district with respect to 1926  
termination of contracts with other district employees licensed by 1927  
the state board of education, subject to section 3311.72 and 1928  
division (F) of section 3311.84 of the Revised Code. 1929

(A) The board of education of a municipal school district may 1930  
terminate the contract of a teacher employed by the board only for 1931  
good and just cause. In addition, the board may place a teacher on 1932  
disciplinary suspension without pay for a definite period of time 1933

for good and just cause. For purposes of contract terminations, 1934  
good and just cause shall include receiving a composite evaluation 1935  
rating of ineffective under section 3311.80 of the Revised Code 1936  
for two consecutive years. A violation of division (A)(7) of 1937  
section 2907.03 of the Revised Code is grounds for termination or 1938  
disciplinary suspension without pay of a teacher under this 1939  
section. 1940

(B) If an administrator determines, after a preliminary 1941  
investigation, that a teacher may have engaged in conduct that 1942  
could lead to a recommendation for termination or disciplinary 1943  
suspension without pay, the teacher shall be entitled to a 1944  
fact-finding hearing to determine if termination or disciplinary 1945  
suspension without pay is warranted. The hearing shall be held 1946  
before an administrator designated by the chief executive officer 1947  
of the district. Prior to the hearing, the administrator 1948  
designated by the chief executive officer shall provide the 1949  
teacher with written notice of the allegations and of the right to 1950  
request representation by the teachers' labor organization, and 1951  
copies of any written evidence related to the allegations. The 1952  
hearing shall be held within a reasonable period of time following 1953  
the teacher's receipt of the written notice of the allegations. 1954  
The teacher may have a representative of the teachers' labor 1955  
organization present at the hearing. During the hearing, the 1956  
teacher shall be given a meaningful opportunity to respond to the 1957  
allegations, including the opportunity to submit additional 1958  
evidence. Not later than ten business days after the hearing, the 1959  
administrator designated by the chief executive officer shall 1960  
notify the teacher in writing of the administrator's 1961  
recommendation for discipline and the rationale for the 1962  
recommendation, and shall provide a copy of the notification to 1963  
the chief executive officer. 1964

(C) If the administrator designated by the chief executive 1965



officer recommends to the chief executive officer that the teacher 1966  
be terminated or placed on disciplinary suspension without pay, 1967  
the chief executive officer shall review the evidence and 1968  
determine whether termination or disciplinary suspension without 1969  
pay is warranted. The chief executive officer shall make a 1970  
recommendation regarding discipline at the next scheduled meeting 1971  
of the board. The board may adopt or modify the chief executive 1972  
officer's recommendation, except that the board shall not increase 1973  
the recommended discipline. The board shall notify the teacher of 1974  
any action taken by the board on the chief executive officer's 1975  
recommendation. Any termination or disciplinary suspension without 1976  
pay imposed by the board shall take effect immediately. 1977

(D) A teacher who is terminated or placed on disciplinary 1978  
suspension without pay under this section may appeal the board's 1979  
action in accordance with the grievance procedures specified in 1980  
any applicable collective bargaining agreement. The failure of the 1981  
board, chief executive officer, or administrator designated by the 1982  
chief executive officer to strictly comply with any procedures 1983  
established by this section or applicable collective bargaining 1984  
agreement shall not be cause for an arbitrator to overturn the 1985  
termination or disciplinary suspension without pay, unless the 1986  
arbitrator finds that the failure resulted in substantive harm to 1987  
the teacher. 1988

(E) Notwithstanding any provision to the contrary in Chapter 1989  
4117. of the Revised Code: 1990

(1) The provisions of section 3319.16 of the Revised Code 1991  
relating to the grounds for termination of the contract of a 1992  
teacher prevail over any conflicting provisions of a collective 1993  
bargaining agreement entered into prior to the effective date of 1994  
this section. 1995

(2) The requirements of this section prevail over any 1996  
conflicting provisions of a collective bargaining agreement 1997

entered into on or after the effective date of this section. 1998

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. 1999  
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(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: 2008  
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(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; 2012  
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(2) Decreased enrollment of students in the district; 2015

(3) Academic reasons resulting in consolidation of teaching positions, duties, or functions or resulting in changes in educational programs; 2016  
2017  
2018

(4) Financial reasons; 2019

(5) Territorial changes affecting the district. 2020

(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. 2021  
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(1) Each teacher affected by the reduction, based on area of licensure, shall be placed in one of the following categories: 2025  
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(a) Category 1A, which shall contain all teachers on limited or extended limited contracts with a composite evaluation rating of ineffective; 2027  
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(b) Category 1B, which shall contain all teachers on continuing contracts with a composite evaluation rating of ineffective; 2030  
2031  
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(c) Category 2A, which shall contain all teachers on limited or extended limited contracts with a composite evaluation rating of developing; 2033  
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(d) Category 2B, which shall contain all teachers on continuing contracts with a composite evaluation rating of developing; 2036  
2037  
2038

(e) Category 3A, which shall contain all teachers on limited or extended limited contracts with a composite evaluation rating of proficient; 2039  
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(f) Category 3B, which shall contain all teachers on continuing contracts with a composite evaluation rating of proficient; 2042  
2043  
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(g) Category 4A, which shall contain all teachers on limited or extended limited contracts with a composite evaluation rating of accomplished; 2045  
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(h) Category 4B, which shall contain all teachers on continuing contracts with a composite evaluation rating of accomplished. 2048  
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(2) Consistent with division (E) of this section, reductions in the affected area of licensure shall be made starting with teachers in category 1A and shall proceed sequentially through teachers in category 4B, until all necessary reductions have occurred. 2051  
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(3) The evaluation ratings specified in division (B)(1) of 2056

this section refer to composite evaluation ratings assigned to a 2057  
teacher in accordance with the evaluation procedures adopted under 2058  
section 3311.80 of the Revised Code. 2059

(C) On a case-by-case basis, in lieu of suspending a contract 2060  
in whole, the board may suspend a contract in part, so that an 2061  
individual is required to work a percentage of the time the 2062  
employee otherwise is required to work under the contract and 2063  
receives a commensurate percentage of the full compensation the 2064  
employee otherwise would receive under the contract. 2065

(D) The teachers whose contracts are suspended by the board 2066  
pursuant to this section shall have the right of restoration by 2067  
the board if and when teaching positions become vacant or are 2068  
created, for which the teachers are or become qualified within 2069  
three years after the date of the suspension of contract. 2070  
Consistent with division (E) of this section, the board shall 2071  
rehire teachers in the affected area of licensure starting with 2072  
teachers in category 4B and shall proceed sequentially through 2073  
teachers in category 1A, until all vacant positions have been 2074  
filled. No teacher whose contract has been suspended pursuant to 2075  
this section shall lose the right of restoration by reason of 2076  
having declined recall to a position that is less than full-time 2077  
or, if the teacher was not employed full-time just prior to 2078  
suspension of the teacher's continuing contract, to a position 2079  
requiring a lesser percentage of full-time employment than the 2080  
position the teacher last held while employed in the district. 2081

(E)(1) Notwithstanding any provision to the contrary in 2082  
Chapter 4117. of the Revised Code, the requirements of this 2083  
section prevail over any conflicting provisions of a collective 2084  
bargaining agreement entered into on or after the effective date 2085  
of this section. However, the board and the teachers' labor 2086  
organization shall negotiate how specialized training and 2087  
experience will be factored into reduction in force and recall 2088

decisions regardless of the categories prescribed by division (B) 2089  
of this section. In addition, the board and the teachers' labor 2090  
organization may negotiate additional factors to be considered in 2091  
determining the order of reductions, which factors shall not be 2092  
inconsistent with division (B) of this section. 2093

(2) After applying specialized training and experience and 2094  
any other negotiated factors, teachers within the same category 2095  
prescribed by division (B) of this section shall be given 2096  
preference based on seniority. 2097

**Sec. 3311.84.** Notwithstanding any provision of the Revised 2098  
Code to the contrary, a municipal school district shall be subject 2099  
to this section instead of division (D) of section 3319.02 of the 2100  
Revised Code with respect to principals and assistant principals, 2101  
but all other provisions of that section shall apply to the 2102  
district with respect to principals and assistant principals. 2103  
Section 3319.02 of the Revised Code in its entirety shall apply to 2104  
the district with respect to employees other than principals and 2105  
assistant principals who are covered by that section, except as 2106  
otherwise provided in section 3311.72 of the Revised Code. 2107

(A) As used in this section, "principal" includes an 2108  
assistant principal. 2109

(B) The board of education of each municipal school district 2110  
shall adopt procedures for the evaluation of principals and shall 2111  
evaluate all principals in accordance with those procedures. The 2112  
procedures shall be based on principles comparable to the teacher 2113  
evaluation procedures adopted under section 3311.80 of the Revised 2114  
Code, but shall be tailored to the duties and responsibilities of 2115  
principals and the environment in which principals work. Each 2116  
evaluation shall measure the principal's effectiveness in 2117  
performing the duties included in the principal's job description 2118  
and shall be considered by the board in deciding whether to renew 2119

the principal's contract of employment. 2120

(C) The evaluation procedures adopted under this section 2121  
shall require each principal to be evaluated annually through a 2122  
written evaluation process. The evaluation shall be conducted by 2123  
the chief executive officer of the district, or the chief 2124  
executive officer's designee. 2125

(D) To provide time to show progress in correcting 2126  
deficiencies identified in the evaluation, each evaluation shall 2127  
be completed as follows: 2128

(1) In any school year that the principal's contract of 2129  
employment is not due to expire, at least one evaluation shall be 2130  
completed in that year. A written copy of the evaluation shall be 2131  
provided to the principal by the end of the principal's contract 2132  
year as defined by the principal's annual salary notice. 2133

(2) In any school year that the principal's contract of 2134  
employment is due to expire, at least a preliminary evaluation and 2135  
a final evaluation shall be completed in that year. A written copy 2136  
of the preliminary evaluation shall be provided to the principal 2137  
at least sixty days prior to any action by the board on the 2138  
principal's contract of employment. The final evaluation shall 2139  
indicate the chief executive officer's intended recommendation to 2140  
the board regarding a contract of employment for the principal. A 2141  
written copy of the final evaluation shall be provided to the 2142  
principal at least five days prior to the chief executive officer 2143  
making the recommendation to the board. 2144

(E) At least thirty days prior to taking action to renew or 2145  
not renew the contract of a principal, the board shall notify the 2146  
principal of the board's intended action and that the principal 2147  
may request a meeting with the board regarding the board's 2148  
intended action. Upon request of the principal, the board shall 2149  
grant the principal a meeting in executive session. In that 2150

meeting, the board shall discuss its reasons for considering 2151  
renewal or nonrenewal of the contract. The principal shall be 2152  
permitted to have a representative, chosen by the principal, 2153  
present at the meeting. 2154

The establishment of evaluation procedures in accordance with 2155  
this section shall not create an expectancy of continued 2156  
employment. Nothing in this section shall prevent the board from 2157  
making the final determination regarding the renewal or nonrenewal 2158  
of a principal's contract. 2159

(F) Termination of a principal's contract shall be in 2160  
accordance with section 3319.16 of the Revised Code, except as 2161  
follows: 2162

(1) Failure of the principal's building to meet academic 2163  
performance standards established by the chief executive officer 2164  
shall be considered good and just cause for termination under that 2165  
section. 2166

(2) If the chief executive officer intends to recommend to 2167  
the board that the principal's contract be terminated, the chief 2168  
executive officer shall provide the principal a written copy of 2169  
the principal's evaluation at least five days prior to making the 2170  
recommendation to the board. 2171

Sec. 3311.85. (A) The board of education of each municipal 2172  
school district annually shall approve a calendar or calendars 2173  
establishing a school year that complies with the minimum school 2174  
year prescribed by section 3313.48 of the Revised Code. The board 2175  
has final authority to establish a school calendar, including the 2176  
starting and ending times for the school day, for one or more of 2177  
the district's school buildings that provides for additional 2178  
student days or hours beyond the minimum prescribed by that 2179  
section. A school's calendar may prescribe year-round instruction 2180  
or an extended school day. 2181

(B) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the requirements and authorizations of this section prevail over any conflicting provisions of a collective bargaining agreement entered into on or after the effective date of this section. However, the district board and teachers' labor organization shall negotiate regarding any additional compensation for an extended school year or school day, consistent with section 3311.78 of the Revised Code. 2182  
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**Sec. 3311.86.** (A) As used in this section: 2190

(1) "Alliance" means a municipal school district transformation alliance established as a nonprofit corporation. 2191  
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(2) "Alliance municipal school district" means a municipal school district for which an alliance has been created under this section. 2193  
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(3) "Partnering community school" means a community school established under Chapter 3314. of the Revised Code that is located within the territory of a municipal school district and that either is sponsored by the district or is a party to an agreement with the district whereby the district and the community school endorse each other's programs. 2196  
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(4) "Transformation alliance education plan" means a plan prepared by the mayor, and confirmed by the alliance, to transform public education in the alliance municipal school district to a system of municipal school district schools and partnering community schools that will be held to the highest standards of school performance and student achievement. 2202  
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(B) If one or more partnering community schools are located in a municipal school district, the mayor may initiate proceedings to establish a municipal school district transformation alliance as a nonprofit corporation under Chapter 1702. of the Revised 2208  
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Code. The mayor shall have sole authority to appoint the directors 2212  
of any alliance created under this section. The directors of the 2213  
alliance shall include representatives of all of the following: 2214

(1) The municipal school district; 2215

(2) Partnering community schools; 2216

(3) Members of the community at large, including parents and 2217  
educators; 2218

(4) The business community, including business leaders and 2219  
foundation leaders. 2220

No one group listed in divisions (B)(1) to (4) of this 2221  
section shall comprise a majority of the directors. The mayor 2222  
shall be an ex officio director, and serve as the chairperson of 2223  
the board of directors, of any alliance created under this 2224  
section. If the proceedings are initiated, the mayor shall 2225  
identify the directors in the articles of incorporation filed 2226  
under section 1702.04 of the Revised Code. 2227

(C)(1) A majority of the members of the board of directors of 2228  
the alliance shall constitute a quorum of the board. Any formal 2229  
action taken by the board of directors shall take place at a 2230  
meeting of the board and shall require the concurrence of a 2231  
majority of the members of the board. Meetings of the board of 2232  
directors shall be public meetings open to the public at all 2233  
times, except that the board may hold an executive session for any 2234  
of the purposes for which an executive session of a public body is 2235  
permitted under division (G) of section 121.22 of the Revised 2236  
Code. The board of directors shall establish reasonable methods 2237  
whereby any person may determine the time and place of all of the 2238  
board's public meetings and by which any person, upon request, may 2239  
obtain reasonable advance notification of the board's public 2240  
meetings. Provisions for that advance notification may include, 2241  
but are not limited to, mailing notices to all subscribers on a 2242

mailing list or mailing notices in self-addressed, stamped envelopes provided by the person. 2243  
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(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. 2245  
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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. 2253  
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(D) If an alliance is created under this section, the alliance shall do all of the following: 2257  
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(1) Report annually on the performance of all municipal school district schools and all community schools established under Chapter 3314. of the Revised Code and located in the district, using the criteria adopted under division (B) of section 3311.87 of the Revised Code; 2259  
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(2) Confirm and monitor implementation of the transformation alliance education plan; 2264  
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(3) Suggest national education models for and provide input in the development of new municipal school district schools and partnering community schools. 2266  
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(E) Divisions (E)(1) to (3) of this section apply to each community school sponsor that is subject to approval by the department of education under section 3314.015 of the Revised Code whose approval under that section is granted or renewed on or after the effective date of this section. Divisions (E)(1) to (3) 2269  
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of this section do not apply to a sponsor that has been approved 2274  
by the department prior to that date, until the sponsor's approval 2275  
is renewed or granted anew on or after that date. 2276

(1) Before a sponsor to which this section applies may 2277  
sponsor new community schools in an alliance municipal school 2278  
district, the sponsor shall request recommendation from the 2279  
alliance to sponsor community schools in the district. 2280

(2) The alliance shall review the sponsor's application and 2281  
shall make a recommendation based on the standards for sponsors 2282  
developed under division (A)(2) of section 3311.87 of the Revised 2283  
Code. 2284

(3) The department shall use the standards developed under 2285  
division (A)(2) of section 3311.87 of the Revised Code, in 2286  
addition to any other requirements of the Revised Code, to review 2287  
a sponsor's request and make a final determination, on 2288  
recommendation of the alliance, of whether the sponsor may sponsor 2289  
new community schools in the alliance municipal school district. 2290

No sponsor shall be required to receive authorization to 2291  
sponsor new community schools under division (E)(3) of this 2292  
section more than one time. 2293

(F) Directors, officers, and employees of an alliance are not 2294  
public employees or public officials, are not subject to Chapters 2295  
124., 145., and 4117. of the Revised Code, and are not "public 2296  
officials" or "public servants" as defined in section 2921.01 of 2297  
the Revised Code. Membership on the board of directors of an 2298  
alliance does not constitute the holding of an incompatible public 2299  
office or employment in violation of any statutory or common law 2300  
prohibition against the simultaneous holding of more than one 2301  
public office or employment. Members of the board of directors of 2302  
an alliance are not disqualified from holding any public office by 2303  
reason of that membership, and do not forfeit by reason of that 2304

membership the public office or employment held when appointed to 2305  
the board, notwithstanding any contrary disqualification or 2306  
forfeiture requirement under the Revised Code or the common law of 2307  
this state. 2308

(G) The authority to establish an alliance under this section 2309  
expires on January 1, 2018. Any alliance established under this 2310  
section is terminated, and any related authority granted to the 2311  
alliance under this section expires on that date. 2312

Sec. 3311.87. The department of education, in conjunction 2313  
with the municipal school district transformation alliance 2314  
established under section 3311.86 of the Revised Code, if such an 2315  
alliance is established under that section, and a statewide 2316  
nonprofit organization whose membership is comprised solely of 2317  
entities that sponsor community schools and whose members sponsor 2318  
the majority of start-up community schools in the state, shall do 2319  
all of the following: 2320

(A) Not later than December 31, 2012, establish both of the 2321  
following: 2322

(1) Objective criteria to be used by a sponsor to determine 2323  
if it will sponsor new community schools located within the 2324  
municipal school district. Beginning with any community school 2325  
that opens after July 1, 2013, each sponsor shall use the criteria 2326  
established under this division to determine whether to sponsor a 2327  
community school in the municipal district. 2328

(2) Criteria for assessing the ability of a sponsor to 2329  
successfully sponsor a community school in a municipal school 2330  
district. 2331

The criteria adopted under divisions (A)(1) and (2) of this 2332  
section shall be based on standards issued by the national 2333  
association of charter school authorizers or any other nationally 2334

organized community or charter school organization. 2335

(B) Not later than April 30, 2013, establish a comprehensive 2336  
framework to assess the efficacy of district schools and community 2337  
schools located in the municipal school district. Where possible, 2338  
the framework shall be based on nationally accepted quality 2339  
standards and principles for schools and shall be specific to a 2340  
school's model, mission, and student populations. 2341

**Sec. 3313.975.** As used in this section and in sections 2342  
~~3313.975~~ 3313.976 to 3313.979 of the Revised Code, "the pilot 2343  
project school district" or "the district" means any school 2344  
district included in the pilot project scholarship program 2345  
pursuant to this section. 2346

(A) The superintendent of public instruction shall establish 2347  
a pilot project scholarship program and shall include in such 2348  
program any school districts that are or have ever been under 2349  
federal court order requiring supervision and operational 2350  
management of the district by the state superintendent. The 2351  
program shall provide for a number of students residing in any 2352  
such district to receive scholarships to attend alternative 2353  
schools, and for an equal number of students to receive tutorial 2354  
assistance grants while attending public school in any such 2355  
district. 2356

(B) The state superintendent shall establish an application 2357  
process and deadline for accepting applications from students 2358  
residing in the district to participate in the scholarship 2359  
program. In the initial year of the program students may only use 2360  
a scholarship to attend school in grades kindergarten through 2361  
third. 2362

The state superintendent shall award as many scholarships and 2363  
tutorial assistance grants as can be funded given the amount 2364  
appropriated for the program. In no case, however, shall more than 2365

fifty per cent of all scholarships awarded be used by students who 2366  
were enrolled in a nonpublic school during the school year of 2367  
application for a scholarship. 2368

(C)(1) The pilot project program shall continue in effect 2369  
each year that the general assembly has appropriated sufficient 2370  
money to fund scholarships and tutorial assistance grants. In each 2371  
year the program continues, new students may receive scholarships 2372  
in grades kindergarten to twelve. A student who has received a 2373  
scholarship may continue to receive one until the student has 2374  
completed grade twelve. 2375

(2) If the general assembly discontinues the scholarship 2376  
program, all students who are attending an alternative school 2377  
under the pilot project shall be entitled to continued admittance 2378  
to that specific school through all grades that are provided in 2379  
such school, under the same conditions as when they were 2380  
participating in the pilot project. The state superintendent shall 2381  
continue to make scholarship payments in accordance with division 2382  
(A) or (B) of section 3313.979 of the Revised Code for students 2383  
who remain enrolled in an alternative school under this provision 2384  
in any year that funds have been appropriated for this purpose. 2385

If funds are not appropriated, the tuition charged to the 2386  
parents of a student who remains enrolled in an alternative school 2387  
under this provision shall not be increased beyond the amount 2388  
equal to the amount of the scholarship plus any additional amount 2389  
charged that student's parent in the most recent year of 2390  
attendance as a participant in the pilot project, except that 2391  
tuition for all the students enrolled in such school may be 2392  
increased by the same percentage. 2393

(D) Notwithstanding sections 124.39, 3307.54, and ~~3319.17~~ 2394  
3311.83 of the Revised Code, if the pilot project school district 2395  
experiences a decrease in enrollment due to participation in a 2396  
state-sponsored scholarship program pursuant to sections 3313.974 2397

to 3313.979 of the Revised Code, the district board of education 2398  
may enter into an agreement with any teacher it employs to provide 2399  
to that teacher severance pay or early retirement incentives, or 2400  
both, if the teacher agrees to terminate the employment contract 2401  
with the district board, provided any collective bargaining 2402  
agreement in force pursuant to Chapter 4117. of the Revised Code 2403  
does not prohibit such an agreement for termination of a teacher's 2404  
employment contract. 2405

**Sec. 3314.10.** (A)(1) The governing authority of any community 2406  
school established under this chapter may employ teachers and 2407  
nonteaching employees necessary to carry out its mission and 2408  
fulfill its contract. 2409

(2) Except as provided under division (A)(3) of this section, 2410  
employees hired under this section may organize and collectively 2411  
bargain pursuant to Chapter 4117. of the Revised Code. 2412  
Notwithstanding division (D)(1) of section 4117.06 of the Revised 2413  
Code, a unit containing teaching and nonteaching employees 2414  
employed under this section shall be considered an appropriate 2415  
unit. As applicable, employment under this section is subject to 2416  
either Chapter 3307. or 3309. of the Revised Code. 2417

(3) If a school is created by converting all or part of an 2418  
existing public school rather than by establishment of a new 2419  
start-up school, at the time of conversion, the employees of the 2420  
community school shall remain part of any collective bargaining 2421  
unit in which they were included immediately prior to the 2422  
conversion and shall remain subject to any collective bargaining 2423  
agreement for that unit in effect on the first day of July of the 2424  
year in which the community school initially begins operation and 2425  
shall be subject to any subsequent collective bargaining agreement 2426  
for that unit, unless a petition is certified as sufficient under 2427  
division (A)(6) of this section with regard to those employees. 2428

Any new employees of the community school shall also be included 2429  
in the unit to which they would have been assigned had not the 2430  
conversion taken place and shall be subject to the collective 2431  
bargaining agreement for that unit unless a petition is certified 2432  
as sufficient under division (A)(6) of this section with regard to 2433  
those employees. 2434

Notwithstanding division (B) of section 4117.01 of the 2435  
Revised Code, the board of education of a school district and not 2436  
the governing authority of a community school shall be regarded, 2437  
for purposes of Chapter 4117. of the Revised Code, as the "public 2438  
employer" of the employees of a conversion community school 2439  
subject to a collective bargaining agreement pursuant to division 2440  
(A)(3) of this section unless a petition is certified under 2441  
division (A)(6) of this section with regard to those employees. 2442  
Only on and after the effective date of a petition certified as 2443  
sufficient under division (A)(6) of this section shall division 2444  
(A)(2) of this section apply to those employees of that community 2445  
school and only on and after the effective date of that petition 2446  
shall Chapter 4117. of the Revised Code apply to the governing 2447  
authority of that community school with regard to those employees. 2448

(4) Notwithstanding sections 4117.03 to 4117.18 of the 2449  
Revised Code and Section 4 of Amended Substitute Senate Bill No. 2450  
133 of the 115th general assembly, the employees of a conversion 2451  
community school who are subject to a collective bargaining 2452  
agreement pursuant to division (A)(3) of this section shall cease 2453  
to be subject to that agreement and all subsequent agreements 2454  
pursuant to that division and shall cease to be part of the 2455  
collective bargaining unit that is subject to that and all 2456  
subsequent agreements, if a majority of the employees of that 2457  
community school who are subject to that collective bargaining 2458  
agreement sign and submit to the state employment relations board 2459  
a petition requesting all of the following: 2460



(a) That all the employees of the community school who are 2461  
subject to that agreement be removed from the bargaining unit that 2462  
is subject to that agreement and be designated by the state 2463  
employment relations board as a new and separate bargaining unit 2464  
for purposes of Chapter 4117. of the Revised Code; 2465

(b) That the employee organization certified as the exclusive 2466  
representative of the employees of the bargaining unit from which 2467  
the employees are to be removed be certified as the exclusive 2468  
representative of the new and separate bargaining unit for 2469  
purposes of Chapter 4117. of the Revised Code; 2470

(c) That the governing authority of the community school be 2471  
regarded as the "public employer" of these employees for purposes 2472  
of Chapter 4117. of the Revised Code. 2473

(5) Notwithstanding sections 4117.03 to 4117.18 of the 2474  
Revised Code and Section 4 of Amended Substitute Senate Bill No. 2475  
133 of the 115th general assembly, the employees of a conversion 2476  
community school who are subject to a collective bargaining 2477  
agreement pursuant to division (A)(3) of this section shall cease 2478  
to be subject to that agreement and all subsequent agreements 2479  
pursuant to that division, shall cease to be part of the 2480  
collective bargaining unit that is subject to that and all 2481  
subsequent agreements, and shall cease to be represented by any 2482  
exclusive representative of that collective bargaining unit, if a 2483  
majority of the employees of the community school who are subject 2484  
to that collective bargaining agreement sign and submit to the 2485  
state employment relations board a petition requesting all of the 2486  
following: 2487

(a) That all the employees of the community school who are 2488  
subject to that agreement be removed from the bargaining unit that 2489  
is subject to that agreement; 2490

(b) That any employee organization certified as the exclusive 2491

representative of the employees of that bargaining unit be 2492  
decertified as the exclusive representative of the employees of 2493  
the community school who are subject to that agreement; 2494

(c) That the governing authority of the community school be 2495  
regarded as the "public employer" of these employees for purposes 2496  
of Chapter 4117. of the Revised Code. 2497

(6) Upon receipt of a petition under division (A)(4) or (5) 2498  
of this section, the state employment relations board shall check 2499  
the sufficiency of the signatures on the petition. If the 2500  
signatures are found sufficient, the board shall certify the 2501  
sufficiency of the petition and so notify the parties involved, 2502  
including the board of education, the governing authority of the 2503  
community school, and any exclusive representative of the 2504  
bargaining unit. The changes requested in a certified petition 2505  
shall take effect on the first day of the month immediately 2506  
following the date on which the sufficiency of the petition is 2507  
certified under division (A)(6) of this section. 2508

(B)(1) The board of education of each city, local, and 2509  
exempted village school district sponsoring a community school and 2510  
the governing board of each educational service center in which a 2511  
community school is located shall adopt a policy that provides a 2512  
leave of absence of at least three years to each teacher or 2513  
nonteaching employee of the district or service center who is 2514  
employed by a conversion or new start-up community school 2515  
sponsored by the district or located in the district or center for 2516  
the period during which the teacher or employee is continuously 2517  
employed by the community school. The policy shall also provide 2518  
that any teacher or nonteaching employee may return to employment 2519  
by the district or service center if the teacher or employee 2520  
leaves or is discharged from employment with the community school 2521  
for any reason, unless, in the case of a teacher, the board of the 2522  
district or service center determines that the teacher was 2523

discharged for a reason for which the board would have sought to 2524  
discharge the teacher under section 3311.82 or 3319.16 of the 2525  
Revised Code, in which case the board may proceed to discharge the 2526  
teacher utilizing the procedures of that section. Upon termination 2527  
of such a leave of absence, any seniority that is applicable to 2528  
the person shall be calculated to include all of the following: 2529  
all employment by the district or service center prior to the 2530  
leave of absence; all employment by the community school during 2531  
the leave of absence; and all employment by the district or 2532  
service center after the leave of absence. The policy shall also 2533  
provide that if any teacher holding valid certification returns to 2534  
employment by the district or service center upon termination of 2535  
such a leave of absence, the teacher shall be restored to the 2536  
previous position and salary or to a position and salary similar 2537  
thereto. If, as a result of teachers returning to employment upon 2538  
termination of such leaves of absence, a school district or 2539  
educational service center reduces the number of teachers it 2540  
employs, it shall make such reductions in accordance with section 2541  
3319.171 of the Revised Code. 2542

Unless a collective bargaining agreement providing otherwise 2543  
is in effect for an employee of a conversion community school 2544  
pursuant to division (A)(3) of this section, an employee on a 2545  
leave of absence pursuant to this division shall remain eligible 2546  
for any benefits that are in addition to benefits under Chapter 2547  
3307. or 3309. of the Revised Code provided by the district or 2548  
service center to its employees provided the employee pays the 2549  
entire cost associated with such benefits, except that personal 2550  
leave and vacation leave cannot be accrued for use as an employee 2551  
of a school district or service center while in the employ of a 2552  
community school unless the district or service center board 2553  
adopts a policy expressly permitting this accrual. 2554

(2) While on a leave of absence pursuant to division (B)(1) 2555

of this section, a conversion community school shall permit a 2556  
teacher to use sick leave accrued while in the employ of the 2557  
school district from which the leave of absence was taken and 2558  
prior to commencing such leave. If a teacher who is on such a 2559  
leave of absence uses sick leave so accrued, the cost of any 2560  
salary paid by the community school to the teacher for that time 2561  
shall be reported to the department of education. The cost of 2562  
employing a substitute teacher for that time shall be paid by the 2563  
community school. The department of education shall add amounts to 2564  
the payments made to a community school under this chapter as 2565  
necessary to cover the cost of salary reported by a community 2566  
school as paid to a teacher using sick leave so accrued pursuant 2567  
to this section. The department shall subtract the amounts of any 2568  
payments made to community schools under this division from 2569  
payments made to such sponsoring school district under Chapter 2570  
3317. of the Revised Code. 2571

A school district providing a leave of absence and employee 2572  
benefits to a person pursuant to this division is not liable for 2573  
any action of that person while the person is on such leave and 2574  
employed by a community school. 2575

**Sec. 3316.07.** (A) A school district financial planning and 2576  
supervision commission has the following powers, duties, and 2577  
functions: 2578

(1) To review or to assume responsibility for the development 2579  
of all tax budgets, tax levy and bond and note resolutions, 2580  
appropriation measures, and certificates of estimated resources of 2581  
the school district in order to ensure that such are consistent 2582  
with the financial recovery plan and a balanced appropriation 2583  
budget for the current fiscal year, and to request and review any 2584  
supporting information upon which the financial recovery plan and 2585  
balanced appropriation budget may be developed and based, and to 2586

determine whether revenue estimates and estimates of expenditures	2587
and appropriations will result in a balanced budget;	2588
(2) To inspect and secure copies of any document, resolution,	2589
or instrument pertaining to the effective financial accounting and	2590
reporting system, debt obligations, debt limits, financial	2591
recovery plan, balanced appropriation budgets, appropriation	2592
measures, report of audit, statement or invoice, or other	2593
worksheet or record of the school district;	2594
(3) To inspect and secure copies of any document, instrument,	2595
certification, records of proceedings, or other worksheet or	2596
records of the county budget commission, county auditor, or other	2597
official or employee of the school district or of any other	2598
political subdivision or agency of government of the state;	2599
(4) To review, revise, and approve determinations and	2600
certifications affecting the school district made by the county	2601
budget commission or county auditor pursuant to Chapter 5705. of	2602
the Revised Code to ensure that such determinations and	2603
certifications are consistent with the laws of the state;	2604
(5) To bring civil actions, including mandamus, to enforce	2605
this chapter;	2606
(6) After consultation with the officials of the school	2607
district and the auditor of state, to implement or require	2608
implementation of any necessary or appropriate steps to bring the	2609
books of account, accounting systems, and financial procedures and	2610
reports of the school district into compliance with requirements	2611
prescribed by the auditor of state, and to assume responsibility	2612
for achieving such compliance and for making any desirable	2613
modifications and supplementary systems and procedures pertinent	2614
to the school district;	2615
(7) To assist or provide assistance to the school district or	2616
to assume the total responsibility for the structuring or the	2617

terms of, and the placement for sale of, debt obligations of the 2618  
school district; 2619

(8) To perform all other powers, duties, and functions as 2620  
provided under this chapter; 2621

(9) To make and enter into all contracts and agreements 2622  
necessary or incidental to the performance of its duties and the 2623  
exercise of its powers under this chapter; 2624

(10) To consult with officials of the school district and 2625  
make recommendations or assume the responsibility for implementing 2626  
cost reductions and revenue increases to achieve balanced budgets 2627  
and carry out the financial recovery plan in accordance with this 2628  
chapter; 2629

(11) To make reductions in force to bring the school 2630  
district's budget into balance, notwithstanding division (A) of 2631  
section 3311.83, section 3319.081, and divisions (A) and (B) of 2632  
section 3319.17 of the Revised Code, notwithstanding any provision 2633  
of a policy adopted under section 3319.171 of the Revised Code, 2634  
and notwithstanding any provision to the contrary in section 2635  
4117.08 or 4117.10 of the Revised Code or in any collective 2636  
bargaining agreement entered into on or after November 21, 1997. 2637

In making reductions in force, the commission shall first 2638  
consider reasonable reductions among the administrative and 2639  
~~non-teaching~~ nonteaching employees of the school district giving 2640  
due regard to ensuring the district's ability to maintain the 2641  
personnel, programs, and services essential to the provision of an 2642  
adequate educational program. 2643

In making these reductions in ~~non-teaching~~ nonteaching 2644  
employees in districts where Chapter 124. of the Revised Code 2645  
controls such reductions, the reductions shall be made in 2646  
accordance with sections 124.321 to 124.327 of the Revised Code. 2647  
In making these reductions in ~~non-teaching~~ nonteaching employees 2648

in districts where Chapter 124. of the Revised Code does not 2649  
control these reductions, within each category of ~~non-teaching~~ 2650  
nonteaching employees, the commission shall give preference to 2651  
those employees with continuing contracts or non-probationary 2652  
status and who have greater seniority. 2653

If revenues and expenditures cannot be balanced by reasonable 2654  
reductions in administrative and ~~non-teaching~~ nonteaching 2655  
employees, the commission may also make reasonable reductions in 2656  
the number of teaching contracts. If the commission finds it 2657  
necessary to suspend teaching contracts, it shall suspend them in 2658  
accordance with divisions (B) to (D) of section 3311.83 or 2659  
division (C) of section 3319.17 of the Revised Code but shall 2660  
consider a reduction in non-classroom teachers before classroom 2661  
teachers. 2662

(B) During the fiscal emergency period, the commission shall, 2663  
in addition to other powers: 2664

(1) With respect to the appropriation measure in effect at 2665  
the commencement of the fiscal emergency period of the school 2666  
district if that period commenced more than three months prior to 2667  
the end of the current fiscal year, and otherwise with respect to 2668  
the appropriation measure for the next fiscal year: 2669

(a) Review and determine the adequacy of all revenues to meet 2670  
all expenditures for such fiscal year; 2671

(b) Review and determine the extent of any deficiency of 2672  
revenues to meet such expenditures; 2673

(c) Require the school district board or superintendent to 2674  
provide justification documents to substantiate, to the extent and 2675  
in the manner considered necessary, any item of revenue or 2676  
appropriation; 2677

(d) Not later than sixty days after taking office or after 2678  
receiving the appropriation measure for the next fiscal year, 2679

issue a public report regarding its review pursuant to division 2680  
(B)(1) of this section. 2681

(2) Require the school district board, by resolution, to 2682  
establish monthly levels of expenditures and encumbrances 2683  
consistent with the financial recovery plan and the commission's 2684  
review pursuant to divisions (B)(1)(a) and (b) of this section, or 2685  
establish such levels itself. If the commission permits the 2686  
district board to make expenditures, the commission shall monitor 2687  
the monthly levels of expenditures and encumbrances and require 2688  
justification documents to substantiate any departure from any 2689  
approved level. No district board shall make any expenditure apart 2690  
from the approved level without the written approval of the 2691  
commission. 2692

(C) In making any determination pursuant to division (B) of 2693  
this section, the commission may rely on any information 2694  
considered in its judgment reliable or material and shall not be 2695  
restricted by any tax budget or certificate or any other document 2696  
the school district may have adopted or received from any other 2697  
governmental agency. 2698

(D) County, state, and school district officers or employees 2699  
shall assist the commission diligently and promptly in the 2700  
prosecution of its duties, including the furnishing of any 2701  
materials, including justification documents, required. 2702

(E) Annually on or before the first day of April during the 2703  
fiscal emergency period, the commission shall make reports and 2704  
recommendations to the speaker of the house of representatives and 2705  
the president of the senate concerning progress of the school 2706  
district to eliminate fiscal emergency conditions, failures of the 2707  
school district to comply with this chapter, and recommendations 2708  
for further actions to attain the objectives of this chapter, 2709  
including any legislative action needed to make provisions of law 2710  
more effective for their purposes, or to enhance revenue raising 2711



or financing capabilities of school districts. The commission may 2712  
make such interim reports as it considers appropriate for such 2713  
purposes and shall make such additional reports as may be 2714  
requested by either house of the general assembly. 2715

**Sec. 3319.02.** (A)(1) As used in this section, "other 2716  
administrator" means any of the following: 2717

(a) Except as provided in division (A)(2) of this section, 2718  
any employee in a position for which a board of education requires 2719  
a license designated by rule of the department of education for 2720  
being an administrator issued under section 3319.22 of the Revised 2721  
Code, including a professional pupil services employee or 2722  
administrative specialist or an equivalent of either one who is 2723  
not employed as a school counselor and spends less than fifty per 2724  
cent of the time employed teaching or working with students; 2725

(b) Any nonlicensed employee whose job duties enable such 2726  
employee to be considered as either a "supervisor" or a 2727  
"management level employee," as defined in section 4117.01 of the 2728  
Revised Code; 2729

(c) A business manager appointed under section 3319.03 of the 2730  
Revised Code. 2731

(2) As used in this section, "other administrator" does not 2732  
include a superintendent, assistant superintendent, principal, or 2733  
assistant principal. 2734

(B) The board of education of each school district and the 2735  
governing board of an educational service center may appoint one 2736  
or more assistant superintendents and such other administrators as 2737  
are necessary. An assistant educational service center 2738  
superintendent or service center supervisor employed on a 2739  
part-time basis may also be employed by a local board as a 2740  
teacher. The board of each city, exempted village, and local 2741

school district shall employ principals for all high schools and 2742  
for such other schools as the board designates, and those boards 2743  
may appoint assistant principals for any school that they 2744  
designate. 2745

(C) In educational service centers and in city, exempted 2746  
village, and local school districts, assistant superintendents, 2747  
principals, assistant principals, and other administrators shall 2748  
only be employed or reemployed in accordance with nominations of 2749  
the superintendent, except that a board of education of a school 2750  
district or the governing board of a service center, by a 2751  
three-fourths vote of its full membership, may reemploy any 2752  
assistant superintendent, principal, assistant principal, or other 2753  
administrator whom the superintendent refuses to nominate. 2754

The board of education or governing board shall execute a 2755  
written contract of employment with each assistant superintendent, 2756  
principal, assistant principal, and other administrator it employs 2757  
or reemploys. The term of such contract shall not exceed three 2758  
years except that in the case of a person who has been employed as 2759  
an assistant superintendent, principal, assistant principal, or 2760  
other administrator in the district or center for three years or 2761  
more, the term of the contract shall be for not more than five 2762  
years and, unless the superintendent of the district recommends 2763  
otherwise, not less than two years. If the superintendent so 2764  
recommends, the term of the contract of a person who has been 2765  
employed by the district or service center as an assistant 2766  
superintendent, principal, assistant principal, or other 2767  
administrator for three years or more may be one year, but all 2768  
subsequent contracts granted such person shall be for a term of 2769  
not less than two years and not more than five years. When a 2770  
teacher with continuing service status becomes an assistant 2771  
superintendent, principal, assistant principal, or other 2772  
administrator with the district or service center with which the 2773

teacher holds continuing service status, the teacher retains such 2774  
status in the teacher's nonadministrative position as provided in 2775  
sections 3311.77, 3319.08, and 3319.09 of the Revised Code. 2776

A board of education or governing board may reemploy an 2777  
assistant superintendent, principal, assistant principal, or other 2778  
administrator at any regular or special meeting held during the 2779  
period beginning on the first day of January of the calendar year 2780  
immediately preceding the year of expiration of the employment 2781  
contract and ending on the last day of March of the year the 2782  
employment contract expires. 2783

Except by mutual agreement of the parties thereto, no 2784  
assistant superintendent, principal, assistant principal, or other 2785  
administrator shall be transferred during the life of a contract 2786  
to a position of lesser responsibility. No contract may be 2787  
terminated by a board except pursuant to section 3319.16 of the 2788  
Revised Code. No contract may be suspended except pursuant to 2789  
section 3319.17 or 3319.171 of the Revised Code. The salaries and 2790  
compensation prescribed by such contracts shall not be reduced by 2791  
a board unless such reduction is a part of a uniform plan 2792  
affecting the entire district or center. The contract shall 2793  
specify the employee's administrative position and duties as 2794  
included in the job description adopted under division (D) of this 2795  
section, the salary and other compensation to be paid for 2796  
performance of duties, the number of days to be worked, the number 2797  
of days of vacation leave, if any, and any paid holidays in the 2798  
contractual year. 2799

An assistant superintendent, principal, assistant principal, 2800  
or other administrator is, at the expiration of the current term 2801  
of employment, deemed reemployed at the same salary plus any 2802  
increments that may be authorized by the board, unless such 2803  
employee notifies the board in writing to the contrary on or 2804  
before the first day of June, or unless such board, on or before 2805

the last day of March of the year in which the contract of 2806  
employment expires, either reemploys such employee for a 2807  
succeeding term or gives written notice of its intention not to 2808  
reemploy the employee. The term of reemployment of a person 2809  
reemployed under this paragraph shall be one year, except that if 2810  
such person has been employed by the school district or service 2811  
center as an assistant superintendent, principal, assistant 2812  
principal, or other administrator for three years or more, the 2813  
term of reemployment shall be two years. 2814

(D)(1) Each board shall adopt procedures for the evaluation 2815  
of all assistant superintendents, principals, assistant 2816  
principals, and other administrators and shall evaluate such 2817  
employees in accordance with those procedures. The procedures for 2818  
the evaluation of principals shall be based on principles 2819  
comparable to the teacher evaluation policy adopted by the board 2820  
under section 3319.111 of the Revised Code, but shall be tailored 2821  
to the duties and responsibilities of principals and the 2822  
environment in which principals work. An evaluation based upon 2823  
procedures adopted under this division shall be considered by the 2824  
board in deciding whether to renew the contract of employment of 2825  
an assistant superintendent, principal, assistant principal, or 2826  
other administrator. 2827

(2) The evaluation shall measure each assistant 2828  
superintendent's, principal's, assistant principal's, and other 2829  
administrator's effectiveness in performing the duties included in 2830  
the job description and the evaluation procedures shall provide 2831  
for, but not be limited to, the following: 2832

(a) Each assistant superintendent, principal, assistant 2833  
principal, and other administrator shall be evaluated annually 2834  
through a written evaluation process. 2835

(b) The evaluation shall be conducted by the superintendent 2836  
or designee. 2837

(c) In order to provide time to show progress in correcting 2838  
the deficiencies identified in the evaluation process, the 2839  
evaluation process shall be completed as follows: 2840

(i) In any school year that the employee's contract of 2841  
employment is not due to expire, at least one evaluation shall be 2842  
completed in that year. A written copy of the evaluation shall be 2843  
provided to the employee no later than the end of the employee's 2844  
contract year as defined by the employee's annual salary notice. 2845

(ii) In any school year that the employee's contract of 2846  
employment is due to expire, at least a preliminary evaluation and 2847  
at least a final evaluation shall be completed in that year. A 2848  
written copy of the preliminary evaluation shall be provided to 2849  
the employee at least sixty days prior to any action by the board 2850  
on the employee's contract of employment. The final evaluation 2851  
shall indicate the superintendent's intended recommendation to the 2852  
board regarding a contract of employment for the employee. A 2853  
written copy of the evaluation shall be provided to the employee 2854  
at least five days prior to the board's acting to renew or not 2855  
renew the contract. 2856

(3) Termination of an assistant superintendent, principal, 2857  
assistant principal, or other administrator's contract shall be 2858  
pursuant to section 3319.16 of the Revised Code. Suspension of any 2859  
such employee shall be pursuant to section 3319.17 or 3319.171 of 2860  
the Revised Code. 2861

(4) Before taking action to renew or nonrenew the contract of 2862  
an assistant superintendent, principal, assistant principal, or 2863  
other administrator under this section and prior to the last day 2864  
of March of the year in which such employee's contract expires, 2865  
the board shall notify each such employee of the date that the 2866  
contract expires and that the employee may request a meeting with 2867  
the board. Upon request by such an employee, the board shall grant 2868  
the employee a meeting in executive session. In that meeting, the 2869

board shall discuss its reasons for considering renewal or 2870  
nonrenewal of the contract. The employee shall be permitted to 2871  
have a representative, chosen by the employee, present at the 2872  
meeting. 2873

(5) The establishment of an evaluation procedure shall not 2874  
create an expectancy of continued employment. Nothing in division 2875  
(D) of this section shall prevent a board from making the final 2876  
determination regarding the renewal or nonrenewal of the contract 2877  
of any assistant superintendent, principal, assistant principal, 2878  
or other administrator. However, if a board fails to provide 2879  
evaluations pursuant to division (D)(2)(c)(i) or (ii) of this 2880  
section, or if the board fails to provide at the request of the 2881  
employee a meeting as prescribed in division (D)(4) of this 2882  
section, the employee automatically shall be reemployed at the 2883  
same salary plus any increments that may be authorized by the 2884  
board for a period of one year, except that if the employee has 2885  
been employed by the district or service center as an assistant 2886  
superintendent, principal, assistant principal, or other 2887  
administrator for three years or more, the period of reemployment 2888  
shall be for two years. 2889

(E) On nomination of the superintendent of a service center a 2890  
governing board may employ supervisors who shall be employed under 2891  
written contracts of employment for terms not to exceed five years 2892  
each. Such contracts may be terminated by a governing board 2893  
pursuant to section 3319.16 of the Revised Code. Any supervisor 2894  
employed pursuant to this division may terminate the contract of 2895  
employment at the end of any school year after giving the board at 2896  
least thirty days' written notice prior to such termination. On 2897  
the recommendation of the superintendent the contract or contracts 2898  
of any supervisor employed pursuant to this division may be 2899  
suspended for the remainder of the term of any such contract 2900  
pursuant to section 3319.17 or 3319.171 of the Revised Code. 2901

(F) A board may establish vacation leave for any individuals 2902  
employed under this section. Upon such an individual's separation 2903  
from employment, a board that has such leave may compensate such 2904  
an individual at the individual's current rate of pay for all 2905  
lawfully accrued and unused vacation leave credited at the time of 2906  
separation, not to exceed the amount accrued within three years 2907  
before the date of separation. In case of the death of an 2908  
individual employed under this section, such unused vacation leave 2909  
as the board would have paid to the individual upon separation 2910  
under this section shall be paid in accordance with section 2911  
2113.04 of the Revised Code, or to the estate. 2912

(G) The board of education of any school district may 2913  
contract with the governing board of the educational service 2914  
center from which it otherwise receives services to conduct 2915  
searches and recruitment of candidates for assistant 2916  
superintendent, principal, assistant principal, and other 2917  
administrator positions authorized under this section. 2918

**Sec. 3319.071.** The board of education of any school district 2919  
may, by resolution, establish a professional development program 2920  
for teachers in accordance with which it may reimburse teachers 2921  
employed by the district for all or any part of the cost incurred 2922  
by the teacher in the successful completion of a course or 2923  
training program in which the teacher enrolled as part of the 2924  
development program. The terms and conditions for participation 2925  
shall be determined by the board and shall be included in the 2926  
resolution establishing the program. 2927

No teacher shall be required to participate in a professional 2928  
development program under this section. When a teacher is 2929  
participating in such a program, such participation does not 2930  
constitute the performance of duties by such teacher in addition 2931  
to the teacher's regular teaching duties and is not subject to 2932

section 3311.77 or 3319.08 of the Revised Code. 2933

As used in this section, "teacher" has the meaning contained 2934  
in division (A) of section 3319.09 of the Revised Code. 2935

**Sec. 3319.10.** Teachers may be employed as substitute teachers 2936  
for terms not to exceed one year for assignment as services are 2937  
needed to take the place of regular teachers absent on account of 2938  
illness or on leaves of absence or to fill temporarily positions 2939  
created by emergencies; such assignment to be subject to 2940  
termination when such services no longer are needed. 2941

A teacher employed as a substitute with an assignment to one 2942  
specific teaching position shall after sixty days of service be 2943  
granted sick leave, visiting days, and other local privileges 2944  
granted to regular teachers including a salary not less than the 2945  
minimum salary on the current adopted salary schedule. 2946

A teacher employed as a substitute for one hundred twenty 2947  
days or more during a school year and re-employed for or assigned 2948  
to a specific teaching position for the succeeding year shall 2949  
receive a contract as a regular teacher if the substitute meets 2950  
the local educational requirements for the employment of regular 2951  
teachers. 2952

Teachers employed as substitutes on a casual or day-to-day 2953  
basis shall not be entitled to the notice of nonre-employment 2954  
prescribed in section 3311.81 or 3319.11 of the Revised Code, but 2955  
boards of education may grant such teachers sick leave and other 2956  
local privileges and cumulate such service in determining 2957  
seniority. 2958

For purposes of determining in any school year the days of 2959  
service of a substitute teacher under this section, any teacher's 2960  
days of service in that school year while conditionally employed 2961  
as a substitute teacher under section 3319.101 of the Revised Code 2962



shall count as days of service as a substitute teacher under this 2963  
section. 2964

**Sec. 3319.112.** (A) Not later than December 31, 2011, the 2965  
state board of education shall develop a standards-based state 2966  
framework for the evaluation of teachers. The framework shall 2967  
establish an evaluation system that does the following: 2968

(1) Provides for multiple evaluation factors, including 2969  
student academic growth which shall account for fifty per cent of 2970  
each evaluation; 2971

(2) Is aligned with the standards for teachers adopted under 2972  
section 3319.61 of the Revised Code; 2973

(3) Requires observation of the teacher being evaluated, 2974  
including at least two formal observations by the evaluator of at 2975  
least thirty minutes each and classroom walk-throughs; 2976

(4) Assigns a rating on each evaluation in accordance with 2977  
division (B) of this section; 2978

(5) Requires each teacher to be provided with a written 2979  
report of the results of the teacher's evaluation; 2980

(6) Identifies measures of student academic growth for grade 2981  
levels and subjects for which the value-added progress dimension 2982  
prescribed by section 3302.021 of the Revised Code does not apply; 2983

(7) Implements a classroom-level, value-added program 2984  
developed by a nonprofit organization described in division (B) of 2985  
section 3302.021 of the Revised Code; 2986

(8) Provides for professional development to accelerate and 2987  
continue teacher growth and provide support to poorly performing 2988  
teachers; 2989

(9) Provides for the allocation of financial resources to 2990  
support professional development. 2991

(B) For purposes of the framework developed under this section, the state board also shall do the following:	2992 2993
(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,</u> 3319.02, and 3319.111 of the Revised Code:	2994 2995 2996 2997 2998
(a) Accomplished;	2999
(b) Proficient;	3000
(c) Developing;	3001
(d) Ineffective.	3002
(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.	3003 3004 3005 3006 3007 3008 3009 3010
(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.	3011 3012 3013 3014
(D) To assist school districts in developing evaluation policies under sections <u>3311.80, 3311.84,</u> 3319.02, and 3319.111 of the Revised Code, the department shall do both of the following:	3015 3016 3017
(1) Serve as a clearinghouse of promising evaluation procedures and evaluation models that districts may use;	3018 3019
(2) Provide technical assistance to districts in creating evaluation policies.	3020 3021

**Sec. 3319.12.** Each board of education shall cause notice to 3022  
be given annually not later than the first day of July to each 3023  
teacher who holds a contract valid for the succeeding school year, 3024  
as to the salary to be paid such teacher during such year. Such 3025  
salary shall not be lower than the salary paid during the 3026  
preceding school year unless such reduction is a part of a uniform 3027  
plan affecting the entire district. This section does not prevent 3028  
increases of salary after the board's annual notice has been 3029  
given. 3030

Except by mutual agreement of the parties thereto a teacher 3031  
employed under a contract of employment in an administrative, or 3032  
supervisory position in a school district, or in any position 3033  
provided for by section 3319.01 or 3319.02 of the Revised Code, 3034  
shall not be transferred during the life of ~~his~~ the teacher's 3035  
contract to a position of lesser responsibility. No contract or 3036  
supplemental contract for the employment of a teacher, whether for 3037  
an administrative or supervisory position, a position provided for 3038  
by sections 3319.01 and 3319.02 of the Revised Code, regular 3039  
teaching duties, or additional duties, may be terminated or 3040  
suspended by a board of education except pursuant to section 3041  
3311.82, 3319.02, or 3319.16 of the Revised Code, and the salaries 3042  
and compensations prescribed by such contracts shall not be 3043  
reduced by a board of education unless such reduction is a part of 3044  
a uniform plan affecting the entire district. This section shall 3045  
apply only to contracts entered into after August 18, 1969. 3046

**Sec. 3319.13.** Upon the written request of a teacher or a 3047  
regular nonteaching school employee, a board of education may 3048  
grant a leave of absence for a period of not more than two 3049  
consecutive school years for educational, professional, or other 3050  
purposes, and shall grant such leave where illness or other 3051  
disability is the reason for the request. Upon subsequent request, 3052

such leave may be renewed by the board. Without request, a board 3053  
may grant similar leave of absence and renewals thereof to any 3054  
teacher or regular nonteaching school employee because of physical 3055  
or mental disability, but such teacher may have a hearing on such 3056  
unrequested leave of absence or its renewals in accordance with 3057  
section 3311.82 or 3319.16 of the Revised Code, and such 3058  
nonteaching school employee may have a hearing on such unrequested 3059  
leave of absence or its renewals in accordance with division (C) 3060  
of section 3319.081 of the Revised Code. Upon the return to 3061  
service of a teacher or a nonteaching school employee at the 3062  
expiration of a leave of absence, the teacher or nonteaching 3063  
school employee shall resume the contract status that the teacher 3064  
or nonteaching school employee held prior to the leave of absence. 3065  
Any teacher who leaves a teaching position for service in the 3066  
uniformed services and who returns from service in the uniformed 3067  
services that is terminated in a manner other than as described in 3068  
section 4304 of Title 38 of the United States Code, "Uniformed 3069  
Services Employment and Reemployment Rights Act of 1994," 108 3070  
Stat. 3149, 38 U.S.C.A. 4304, shall resume the contract status 3071  
held prior to entering the uniformed services, subject to passing 3072  
a physical examination by an individual authorized by the Revised 3073  
Code to conduct physical examinations, including a physician 3074  
assistant, a clinical nurse specialist, a certified nurse 3075  
practitioner, or a certified nurse-midwife. Any written 3076  
documentation of the physical examination shall be completed by 3077  
the individual who conducted the examination. Such contract status 3078  
shall be resumed at the first of the school semester or the 3079  
beginning of the school year following return from the uniformed 3080  
services. For purposes of this section and section 3319.14 of the 3081  
Revised Code, "uniformed services" and "service in the uniformed 3082  
services" have the same meanings as defined in section 5923.05 of 3083  
the Revised Code. 3084

Upon the return of a nonteaching school employee from a leave 3085

of absence, the board may terminate the employment of a person 3086  
hired exclusively for the purpose of replacing the returning 3087  
employee while the returning employee was on leave. If, after the 3088  
return of a nonteaching employee from leave, the person employed 3089  
exclusively for the purpose of replacing an employee while the 3090  
employee was on leave is continued in employment as a regular 3091  
nonteaching school employee or if the person is hired by the board 3092  
as a regular nonteaching school employee within a year after 3093  
employment as a replacement is terminated, the person shall, for 3094  
purposes of section 3319.081 of the Revised Code, receive credit 3095  
for the person's length of service with the school district during 3096  
such replacement period in the following manner: 3097

(A) If employed as a replacement for less than twelve months, 3098  
the person shall be employed under a contract valid for a period 3099  
equal to twelve months less the number of months employed as a 3100  
replacement. At the end of such contract period, if the person is 3101  
reemployed it shall be under a two-year contract. Subsequent 3102  
reemployment shall be pursuant to division (B) of section 3319.081 3103  
of the Revised Code. 3104

(B) If employed as a replacement for twelve months or more 3105  
but less than twenty-four months, the person shall be employed 3106  
under a contract valid for a period equal to twenty-four months 3107  
less the number of months employed as a replacement. Subsequent 3108  
reemployment shall be pursuant to division (B) of section 3319.081 3109  
of the Revised Code. 3110

(C) If employed as a replacement for more than twenty-four 3111  
months, the person shall be employed pursuant to division (B) of 3112  
section 3319.081 of the Revised Code. 3113

For purposes of this section, employment during any part of a 3114  
month shall count as employment during the entire month. 3115

**Sec. 3319.14.** Any teacher who has left, or leaves, a teaching 3116

position, by resignation or otherwise, and within forty school 3117  
days thereafter entered, or enters, the uniformed services and 3118  
whose service is terminated in a manner other than as described in 3119  
section 4304 of Title 38 of the United States Code, "Uniformed 3120  
Services Employment and Reemployment Rights Act of 1994," 108 3121  
Stat. 3149, 38 U.S.C.A. 4304, shall be reemployed by the board of 3122  
education of the district in which the teacher held such teaching 3123  
position, under the same type of contract as that which the 3124  
teacher last held in such district, if the teacher applies to the 3125  
board of education for reemployment in accordance with the 3126  
"Uniformed Services Employment and Reemployment Rights Act of 3127  
1994," 108 Stat. 3149, 38 U.S.C.A. 4312. Upon such application, 3128  
the teacher shall be reemployed at the first of the next school 3129  
semester, if the application is made not less than thirty days 3130  
prior to the first of the next school semester, in which case the 3131  
teacher shall be reemployed the first of the following school 3132  
semester, unless the board of education waives the requirement for 3133  
the thirty-day period. 3134

For the purposes of seniority and placement on the salary 3135  
schedule, years of absence performing service in the uniformed 3136  
services shall be counted as though teaching service had been 3137  
performed during such time. 3138

The board of education of the district in which such teacher 3139  
was employed and is reemployed under this section may suspend the 3140  
contract of the teacher whose services become unnecessary by 3141  
reason of the return of a teacher from service in the uniformed 3142  
services in accordance with section 3311.83, 3319.17, or 3319.171 3143  
of the Revised Code. 3144

**Sec. 3319.141.** Each person who is employed by any board of 3145  
education in this state, except for substitutes, adult education 3146  
instructors who are scheduled to work the full-time equivalent of 3147

less than one hundred twenty days per school year, or persons who 3148  
are employed on an as-needed, seasonal, or intermittent basis, 3149  
shall be entitled to fifteen days sick leave with pay, for each 3150  
year under contract, which shall be credited at the rate of one 3151  
and one-fourth days per month. Teachers and regular nonteaching 3152  
school employees, upon approval of the responsible administrative 3153  
officer of the school district, may use sick leave for absence due 3154  
to personal illness, pregnancy, injury, exposure to contagious 3155  
disease which could be communicated to others, and for absence due 3156  
to illness, injury, or death in the employee's immediate family. 3157  
Unused sick leave shall be cumulative up to one hundred twenty 3158  
work days, unless more than one hundred twenty days are approved 3159  
by the employing board of education. The previously accumulated 3160  
sick leave of a person who has been separated from public service, 3161  
whether accumulated pursuant to section 124.38 of the Revised Code 3162  
or pursuant to this section, shall be placed to the person's 3163  
credit upon re-employment in the public service, provided that 3164  
such re-employment takes place within ten years of the date of the 3165  
last termination from public service. A teacher or nonteaching 3166  
school employee who transfers from one public agency to another 3167  
shall be credited with the unused balance of the teacher's or 3168  
nonteaching employee's accumulated sick leave up to the maximum of 3169  
the sick leave accumulation permitted in the public agency to 3170  
which the employee transfers. Teachers and nonteaching school 3171  
employees who render regular part-time, per diem, or hourly 3172  
service shall be entitled to sick leave for the time actually 3173  
worked at the same rate as that granted like full-time employees, 3174  
calculated in the same manner as the ratio of sick leave granted 3175  
to hours of service established by section 124.38 of the Revised 3176  
Code. Each board of education may establish regulations for the 3177  
entitlement, crediting and use of sick leave by those substitute 3178  
teachers employed by such board pursuant to section 3319.10 of the 3179  
Revised Code who are not otherwise entitled to sick leave pursuant 3180

to such section. A board of education shall require a teacher or 3181  
nonteaching school employee to furnish a written, signed statement 3182  
on forms prescribed by such board to justify the use of sick 3183  
leave. If medical attention is required, the employee's statement 3184  
shall list the name and address of the attending physician and the 3185  
dates when the physician was consulted. Nothing in this section 3186  
shall be construed to waive the physician-patient privilege 3187  
provided by section 2317.02 of the Revised Code. Falsification of 3188  
a statement is grounds for suspension or termination of employment 3189  
under sections 3311.82, 3319.081, and 3319.16 of the Revised Code. 3190  
No sick leave shall be granted or credited to a teacher after the 3191  
teacher's retirement or termination of employment. 3192

Except to the extent used as sick leave, leave granted under 3193  
regulations adopted by a board of education pursuant to section 3194  
3311.77 or 3319.08 of the Revised Code shall not be charged 3195  
against sick leave earned or earnable under this section. Nothing 3196  
in this section shall be construed to affect in any other way the 3197  
granting of leave pursuant to section 3311.77 or 3319.08 of the 3198  
Revised Code and any granting of sick leave pursuant to such 3199  
section shall be charged against sick leave accumulated pursuant 3200  
to this section. 3201

This section shall not be construed to interfere with any 3202  
unused sick leave credit in any agency of government where 3203  
attendance records are maintained and credit has been given for 3204  
unused sick leave. Unused sick leave accumulated by teachers and 3205  
nonteaching school employees under section 124.38 of the Revised 3206  
Code shall continue to be credited toward the maximum accumulation 3207  
permitted in accordance with this section. Each newly hired 3208  
regular nonteaching and each regular nonteaching employee of any 3209  
board of education who has exhausted the employee's accumulated 3210  
sick leave shall be entitled to an advancement of not less than 3211  
five days of sick leave each year, as authorized by rules which 3212



each board shall adopt, to be charged against the sick leave the 3213  
employee subsequently accumulates under this section. 3214

This section shall be uniformly administered. 3215

**Sec. 3319.143.** Notwithstanding section 3319.141 of the 3216  
Revised Code, the board of education of a city, exempted village, 3217  
local or joint vocational school district may adopt a policy of 3218  
assault leave by which an employee who is absent due to physical 3219  
disability resulting from an assault which occurs in the course of 3220  
board employment will be maintained on full pay status during the 3221  
period of such absence. A board of education electing to effect 3222  
such a policy of assault leave shall establish rules for the 3223  
entitlement, crediting, and use of assault leave and file a copy 3224  
of same with the state board of education. A board of education 3225  
adopting this policy shall require an employee to furnish a signed 3226  
statement on forms prescribed by such board to justify the use of 3227  
assault leave. If medical attention is required, a certificate 3228  
from a licensed physician stating the nature of the disability and 3229  
its duration shall be required before assault leave can be 3230  
approved for payment. Falsification of either a signed statement 3231  
or a physician's certificate is ground for suspension or 3232  
termination of employment under section 3311.82 or 3319.16 of the 3233  
Revised Code. 3234

Assault leave granted under rules adopted by a board of 3235  
education pursuant to this section shall not be charged against 3236  
sick leave earned or earnable under section 3319.141 of the 3237  
Revised Code or leave granted under rules adopted by a board of 3238  
education pursuant to section 3311.77 or 3319.08 of the Revised 3239  
Code. This section shall be uniformly administered in those 3240  
districts where such policy is adopted. 3241

**Sec. 3319.151.** (A) No person shall reveal to any student any 3242

specific question that the person knows is part of an assessment 3243  
to be administered under section 3301.0711 of the Revised Code or 3244  
in any other way assist a pupil to cheat on such an assessment. 3245

(B) On a finding by the state board of education, after 3246  
investigation, that a school employee who holds a license issued 3247  
under sections 3319.22 to 3319.31 of the Revised Code has violated 3248  
division (A) of this section, the license of such teacher shall be 3249  
suspended for one year. Prior to commencing an investigation, the 3250  
board shall give the teacher notice of the allegation and an 3251  
opportunity to respond and present a defense. 3252

(C)(1) Violation of division (A) of this section is grounds 3253  
for termination of employment of a nonteaching employee under 3254  
division (C) of section 3319.081 or section 124.34 of the Revised 3255  
Code. 3256

(2) Violation of division (A) of this section is grounds for 3257  
termination of a teacher contract under section 3311.82 or 3319.16 3258  
of the Revised Code. 3259

**Sec. 3319.18.** If an entire school district or that part of a 3260  
school district which comprises the territory in which a school is 3261  
situated is transferred to any other district, or if a new school 3262  
district is created, the teachers in such districts or schools 3263  
employed on continuing contracts immediately prior to such 3264  
transfer, or creation shall, subject to section 3311.83, 3319.17, 3265  
or 3319.171 of the Revised Code, have continuing service status in 3266  
the newly created district, or in the district to which the 3267  
territory is transferred. 3268

The limited contracts of the teachers employed in such 3269  
districts or schools immediately prior to such transfer, or 3270  
creation, shall become the legal obligations of the board of 3271  
education in the newly created district, or in the district to 3272  
which the territory is transferred, subject to section 3311.83, 3273

3319.17<sub>1</sub> or 3319.171 of the Revised Code. The teaching experience 3274  
of such teachers in such prior districts or schools shall be 3275  
included in the three years of service required under section 3276  
3319.11 of the Revised Code for a teacher to become eligible for 3277  
continuing service status. 3278

Teachers employed on limited or continuing contracts in an 3279  
entire school district or that part of a school district which 3280  
comprises the territory in which a school is situated which is 3281  
transferred to any other district or which is merged with other 3282  
school territory to create a new school district, shall be placed, 3283  
on the effective date of such transfer or merger, on the salary 3284  
schedule of the district to which the territory is transferred or 3285  
the newly created district, according to their training and 3286  
experience. Such experience shall be the total sum of the years 3287  
taught in the district whose territory was transferred or merged 3288  
to create a new district, plus the total number of years of 3289  
teaching experience recognized by such previous district upon its 3290  
first employment of such teachers. 3291

The placement of the teachers on the salary schedule, 3292  
pursuant to this section, shall not result, however, in the salary 3293  
of any teacher being less than the teacher's current annual salary 3294  
for regular duties, in existence immediately prior to the merger 3295  
or transfer. 3296

When suspending contracts in accordance with an 3297  
administrative personnel suspension policy adopted under section 3298  
3319.171 of the Revised Code, a board may consider years of 3299  
teaching service in the previous district in its decision if it is 3300  
a part of the suspension policy. 3301

**Sec. 3319.283.** (A) The board of education of any school 3302  
district may employ an individual who is not certificated or 3303  
licensed as required by Chapter 3319. of the Revised Code, but who 3304

meets the following qualifications, as a teacher in the schools of 3305  
the district: 3306

(1) The individual is a veteran of the armed forces of the 3307  
United States and was honorably discharged within three years of 3308  
June 30, 1997; 3309

(2) While in the armed forces the individual had meaningful 3310  
teaching or other instructional experience; 3311

(3) The individual holds at least a baccalaureate degree. 3312

(B) An individual employed under this section shall be deemed 3313  
to hold a teaching certificate or educator license for the 3314  
purposes of state and federal law and rules and regulations and 3315  
school district policies, rules, and regulations. However, an 3316  
individual employed under this section is not a highly qualified 3317  
teacher for purposes of the school district's compliance with 3318  
section 3319.074 of the Revised Code. Each individual employed 3319  
under this section shall meet the requirement to successfully 3320  
complete fifteen hours, or the equivalent, of coursework every 3321  
five years that is approved by the local professional development 3322  
committee as is required of other teachers licensed in accordance 3323  
with Chapter 3319. of the Revised Code. 3324

(C) The superintendent of public instruction may revoke the 3325  
right of an individual employed under division (A) of this section 3326  
to teach if, after an investigation and an adjudication conducted 3327  
pursuant to Chapter 119. of the Revised Code, the superintendent 3328  
finds that the person is not competent to teach the subject the 3329  
person has been employed to teach or did not fulfill the 3330  
requirements of division (A) of this section. No individual whose 3331  
right to teach has been revoked under this division shall teach in 3332  
a public school, and no board of education may engage such an 3333  
individual to teach in the schools of its district. 3334

Notwithstanding division (B) of this section, a board of 3335

education is not required to comply with the provisions of 3336  
sections 3311.81, 3311.82, 3319.11, and 3319.16 of the Revised 3337  
Code with regard to termination of employment if the 3338  
superintendent, after an investigation and an adjudication, has 3339  
revoked the individual's right to teach. 3340

**Sec. 4141.29.** Each eligible individual shall receive benefits 3341  
as compensation for loss of remuneration due to involuntary total 3342  
or partial unemployment in the amounts and subject to the 3343  
conditions stipulated in this chapter. 3344

(A) No individual is entitled to a waiting period or benefits 3345  
for any week unless the individual: 3346

(1) Has filed a valid application for determination of 3347  
benefit rights in accordance with section 4141.28 of the Revised 3348  
Code; 3349

(2) Has made a claim for benefits in accordance with section 3350  
4141.28 of the Revised Code; 3351

(3) Has registered at an employment office or other 3352  
registration place maintained or designated by the director of job 3353  
and family services. Registration shall be made in accordance with 3354  
the time limits, frequency, and manner prescribed by the director. 3355

(4)(a)(i) Is able to work and available for suitable work 3356  
and, except as provided in division (A)(4)(a)(ii) of this section, 3357  
is actively seeking suitable work either in a locality in which 3358  
the individual has earned wages subject to this chapter during the 3359  
individual's base period, or if the individual leaves that 3360  
locality, then in a locality where suitable work normally is 3361  
performed. 3362

(ii) The director may waive the requirement that a claimant 3363  
be actively seeking work when the director finds that the 3364  
individual has been laid off and the employer who laid the 3365

individual off has notified the director within ten days after the 3366  
layoff, that work is expected to be available for the individual 3367  
within a specified number of days not to exceed forty-five 3368  
calendar days following the last day the individual worked. In the 3369  
event the individual is not recalled within the specified period, 3370  
this waiver shall cease to be operative with respect to that 3371  
layoff. 3372

(b) The individual shall be instructed as to the efforts that 3373  
the individual must make in the search for suitable work, except 3374  
where the active search for work requirement has been waived under 3375  
division (A)(4)(a) of this section, and shall keep a record of 3376  
where and when the individual has sought work in complying with 3377  
those instructions and, upon request, shall produce that record 3378  
for examination by the director. 3379

(c) An individual who is attending a training course approved 3380  
by the director meets the requirement of this division, if 3381  
attendance was recommended by the director and the individual is 3382  
regularly attending the course and is making satisfactory 3383  
progress. An individual also meets the requirements of this 3384  
division if the individual is participating and advancing in a 3385  
training program, as defined in division (P) of section 5709.61 of 3386  
the Revised Code, and if an enterprise, defined in division (B) of 3387  
section 5709.61 of the Revised Code, is paying all or part of the 3388  
cost of the individual's participation in the training program 3389  
with the intention of hiring the individual for employment as a 3390  
new employee, as defined in division (L) of section 5709.61 of the 3391  
Revised Code, for at least ninety days after the individual's 3392  
completion of the training program. 3393

(d) An individual who becomes unemployed while attending a 3394  
regularly established school and whose base period qualifying 3395  
weeks were earned in whole or in part while attending that school, 3396  
meets the availability and active search for work requirements of 3397

division (A)(4)(a) of this section if the individual regularly 3398  
attends the school during weeks with respect to which the 3399  
individual claims unemployment benefits and makes self available 3400  
on any shift of hours for suitable employment with the 3401  
individual's most recent employer or any other employer in the 3402  
individual's base period, or for any other suitable employment to 3403  
which the individual is directed, under this chapter. 3404

(e) The director shall adopt any rules that the director 3405  
deems necessary for the administration of division (A)(4) of this 3406  
section. 3407

(f) Notwithstanding any other provisions of this section, no 3408  
otherwise eligible individual shall be denied benefits for any 3409  
week because the individual is in training approved under section 3410  
236(a)(1) of the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 3411  
2296, nor shall that individual be denied benefits by reason of 3412  
leaving work to enter such training, provided the work left is not 3413  
suitable employment, or because of the application to any week in 3414  
training of provisions in this chapter, or any applicable federal 3415  
unemployment compensation law, relating to availability for work, 3416  
active search for work, or refusal to accept work. 3417

For the purposes of division (A)(4)(f) of this section, 3418  
"suitable employment" means with respect to an individual, work of 3419  
a substantially equal or higher skill level than the individual's 3420  
past adversely affected employment, as defined for the purposes of 3421  
the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 2101, and 3422  
wages for such work at not less than eighty per cent of the 3423  
individual's average weekly wage as determined for the purposes of 3424  
that federal act. 3425

(5) Is unable to obtain suitable work. An individual who is 3426  
provided temporary work assignments by the individual's employer 3427  
under agreed terms and conditions of employment, and who is 3428  
required pursuant to those terms and conditions to inquire with 3429

the individual's employer for available work assignments upon the 3430  
conclusion of each work assignment, is not considered unable to 3431  
obtain suitable employment if suitable work assignments are 3432  
available with the employer but the individual fails to contact 3433  
the employer to inquire about work assignments. 3434

(6) Participates in reemployment services, such as job search 3435  
assistance services, if the individual has been determined to be 3436  
likely to exhaust benefits under this chapter, including 3437  
compensation payable pursuant to 5 U.S.C.A. Chapter 85, other than 3438  
extended compensation, and needs reemployment services pursuant to 3439  
the profiling system established by the director under division 3440  
(K) of this section, unless the director determines that: 3441

(a) The individual has completed such services; or 3442

(b) There is justifiable cause for the claimant's failure to 3443  
participate in such services. 3444

(B) An individual suffering total or partial unemployment is 3445  
eligible for benefits for unemployment occurring subsequent to a 3446  
waiting period of one week and no benefits shall be payable during 3447  
this required waiting period. Not more than one week of waiting 3448  
period shall be required of any individual in any benefit year in 3449  
order to establish the individual's eligibility for total or 3450  
partial unemployment benefits. 3451

(C) The waiting period for total or partial unemployment 3452  
shall commence on the first day of the first week with respect to 3453  
which the individual first files a claim for benefits at an 3454  
employment office or other place of registration maintained or 3455  
designated by the director or on the first day of the first week 3456  
with respect to which the individual has otherwise filed a claim 3457  
for benefits in accordance with the rules of the department of job 3458  
and family services, provided such claim is allowed by the 3459  
director. 3460



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

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

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

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

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

(b) The individual has been given a disciplinary layoff for 3492  
misconduct in connection with the individual's work. 3493

(2) For the duration of the individual's unemployment if the 3494  
director finds that: 3495

(a) The individual quit work without just cause or has been 3496  
discharged for just cause in connection with the individual's 3497  
work, provided division (D)(2) of this section does not apply to 3498  
the separation of a person under any of the following 3499  
circumstances: 3500

(i) Separation from employment for the purpose of entering 3501  
the armed forces of the United States if the individual is 3502  
inducted into the armed forces within one of the following 3503  
periods: 3504

(I) Thirty days after separation; 3505

(II) One hundred eighty days after separation if the 3506  
individual's date of induction is delayed solely at the discretion 3507  
of the armed forces. 3508

(ii) Separation from employment pursuant to a 3509  
labor-management contract or agreement, or pursuant to an 3510  
established employer plan, program, or policy, which permits the 3511  
employee, because of lack of work, to accept a separation from 3512  
employment; 3513

(iii) The individual has left employment to accept a recall 3514  
from a prior employer or, except as provided in division 3515  
(D)(2)(a)(iv) of this section, to accept other employment as 3516  
provided under section 4141.291 of the Revised Code, or left or 3517  
was separated from employment that was concurrent employment at 3518  
the time of the most recent separation or within six weeks prior 3519  
to the most recent separation where the remuneration, hours, or 3520  
other conditions of such concurrent employment were substantially 3521  
less favorable than the individual's most recent employment and 3522

where such employment, if offered as new work, would be considered 3523  
not suitable under the provisions of divisions (E) and (F) of this 3524  
section. Any benefits that would otherwise be chargeable to the 3525  
account of the employer from whom an individual has left 3526  
employment or was separated from employment that was concurrent 3527  
employment under conditions described in division (D)(2)(a)(iii) 3528  
of this section, shall instead be charged to the mutualized 3529  
account created by division (B) of section 4141.25 of the Revised 3530  
Code, except that any benefits chargeable to the account of a 3531  
reimbursing employer under division (D)(2)(a)(iii) of this section 3532  
shall be charged to the account of the reimbursing employer and 3533  
not to the mutualized account, except as provided in division 3534  
(D)(2) of section 4141.24 of the Revised Code. 3535

(iv) When an individual has been issued a definite layoff 3536  
date by the individual's employer and before the layoff date, the 3537  
individual quits to accept other employment, the provisions of 3538  
division (D)(2)(a)(iii) of this section apply and no 3539  
disqualification shall be imposed under division (D) of this 3540  
section. However, if the individual fails to meet the employment 3541  
and earnings requirements of division (A)(2) of section 4141.291 3542  
of the Revised Code, then the individual, pursuant to division 3543  
(A)(5) of this section, shall be ineligible for benefits for any 3544  
week of unemployment that occurs prior to the layoff date. 3545

(b) The individual has refused without good cause to accept 3546  
an offer of suitable work when made by an employer either in 3547  
person or to the individual's last known address, or has refused 3548  
or failed to investigate a referral to suitable work when directed 3549  
to do so by a local employment office of this state or another 3550  
state, provided that this division shall not cause a 3551  
disqualification for a waiting week or benefits under the 3552  
following circumstances: 3553

(i) When work is offered by the individual's employer and the 3554

individual is not required to accept the offer pursuant to the 3555  
terms of the labor-management contract or agreement; or 3556

(ii) When the individual is attending a training course 3557  
pursuant to division (A)(4) of this section except, in the event 3558  
of a refusal to accept an offer of suitable work or a refusal or 3559  
failure to investigate a referral, benefits thereafter paid to 3560  
such individual shall not be charged to the account of any 3561  
employer and, except as provided in division (B)(1)(b) of section 3562  
4141.241 of the Revised Code, shall be charged to the mutualized 3563  
account as provided in division (B) of section 4141.25 of the 3564  
Revised Code. 3565

(c) Such individual quit work to marry or because of marital, 3566  
parental, filial, or other domestic obligations. 3567

(d) The individual became unemployed by reason of commitment 3568  
to any correctional institution. 3569

(e) The individual became unemployed because of dishonesty in 3570  
connection with the individual's most recent or any base period 3571  
work. Remuneration earned in such work shall be excluded from the 3572  
individual's total base period remuneration and qualifying weeks 3573  
that otherwise would be credited to the individual for such work 3574  
in the individual's base period shall not be credited for the 3575  
purpose of determining the total benefits to which the individual 3576  
is eligible and the weekly benefit amount to be paid under section 3577  
4141.30 of the Revised Code. Such excluded remuneration and 3578  
noncredited qualifying weeks shall be excluded from the 3579  
calculation of the maximum amount to be charged, under division 3580  
(D) of section 4141.24 and section 4141.33 of the Revised Code, 3581  
against the accounts of the individual's base period employers. In 3582  
addition, no benefits shall thereafter be paid to the individual 3583  
based upon such excluded remuneration or noncredited qualifying 3584  
weeks. 3585

For purposes of division (D)(2)(e) of this section, 3586  
"dishonesty" means the commission of substantive theft, fraud, or 3587  
deceitful acts. 3588

(E) No individual otherwise qualified to receive benefits 3589  
shall lose the right to benefits by reason of a refusal to accept 3590  
new work if: 3591

(1) As a condition of being so employed the individual would 3592  
be required to join a company union, or to resign from or refrain 3593  
from joining any bona fide labor organization, or would be denied 3594  
the right to retain membership in and observe the lawful rules of 3595  
any such organization. 3596

(2) The position offered is vacant due directly to a strike, 3597  
lockout, or other labor dispute. 3598

(3) The work is at an unreasonable distance from the 3599  
individual's residence, having regard to the character of the work 3600  
the individual has been accustomed to do, and travel to the place 3601  
of work involves expenses substantially greater than that required 3602  
for the individual's former work, unless the expense is provided 3603  
for. 3604

(4) The remuneration, hours, or other conditions of the work 3605  
offered are substantially less favorable to the individual than 3606  
those prevailing for similar work in the locality. 3607

(F) Subject to the special exceptions contained in division 3608  
(A)(4)(f) of this section and section 4141.301 of the Revised 3609  
Code, in determining whether any work is suitable for a claimant 3610  
in the administration of this chapter, the director, in addition 3611  
to the determination required under division (E) of this section, 3612  
shall consider the degree of risk to the claimant's health, 3613  
safety, and morals, the individual's physical fitness for the 3614  
work, the individual's prior training and experience, the length 3615  
of the individual's unemployment, the distance of the available 3616

work from the individual's residence, and the individual's 3617  
prospects for obtaining local work. 3618

(G) The "duration of unemployment" as used in this section 3619  
means the full period of unemployment next ensuing after a 3620  
separation from any base period or subsequent work and until an 3621  
individual has become reemployed in employment subject to this 3622  
chapter, or the unemployment compensation act of another state, or 3623  
of the United States, and until such individual has worked six 3624  
weeks and for those weeks has earned or been paid remuneration 3625  
equal to six times an average weekly wage of not less than: 3626  
eighty-five dollars and ten cents per week beginning on June 26, 3627  
1990; and beginning on and after January 1, 1992, twenty-seven and 3628  
one-half per cent of the statewide average weekly wage as computed 3629  
each first day of January under division (B)(3) of section 4141.30 3630  
of the Revised Code, rounded down to the nearest dollar, except 3631  
for purposes of division (D)(2)(c) of this section, such term 3632  
means the full period of unemployment next ensuing after a 3633  
separation from such work and until such individual has become 3634  
reemployed subject to the terms set forth above, and has earned 3635  
wages equal to one-half of the individual's average weekly wage or 3636  
sixty dollars, whichever is less. 3637

(H) If a claimant is disqualified under division (D)(2)(a), 3638  
(c), or (d) of this section or found to be qualified under the 3639  
exceptions provided in division (D)(2)(a)(i), (iii), or (iv) of 3640  
this section or division (A)(2) of section 4141.291 of the Revised 3641  
Code, then benefits that may become payable to such claimant, 3642  
which are chargeable to the account of the employer from whom the 3643  
individual was separated under such conditions, shall be charged 3644  
to the mutualized account provided in section 4141.25 of the 3645  
Revised Code, provided that no charge shall be made to the 3646  
mutualized account for benefits chargeable to a reimbursing 3647  
employer, except as provided in division (D)(2) of section 4141.24 3648

of the Revised Code. In the case of a reimbursing employer, the 3649  
director shall refund or credit to the account of the reimbursing 3650  
employer any over-paid benefits that are recovered under division 3651  
(B) of section 4141.35 of the Revised Code. Amounts chargeable to 3652  
other states, the United States, or Canada that are subject to 3653  
agreements and arrangements that are established pursuant to 3654  
section 4141.43 of the Revised Code shall be credited or 3655  
reimbursed according to the agreements and arrangements to which 3656  
the chargeable amounts are subject. 3657

(I)(1) Benefits based on service in employment as provided in 3658  
divisions (B)(2)(a) and (b) of section 4141.01 of the Revised Code 3659  
shall be payable in the same amount, on the same terms, and 3660  
subject to the same conditions as benefits payable on the basis of 3661  
other service subject to this chapter; except that after December 3662  
31, 1977: 3663

(a) Benefits based on service in an instructional, research, 3664  
or principal administrative capacity in an institution of higher 3665  
education, as defined in division (Y) of section 4141.01 of the 3666  
Revised Code; or for an educational institution as defined in 3667  
division (CC) of section 4141.01 of the Revised Code, shall not be 3668  
paid to any individual for any week of unemployment that begins 3669  
during the period between two successive academic years or terms, 3670  
or during a similar period between two regular but not successive 3671  
terms or during a period of paid sabbatical leave provided for in 3672  
the individual's contract, if the individual performs such 3673  
services in the first of those academic years or terms and has a 3674  
contract or a reasonable assurance that the individual will 3675  
perform services in any such capacity for any such institution in 3676  
the second of those academic years or terms. 3677

(b) Benefits based on service for an educational institution 3678  
or an institution of higher education in other than an 3679  
instructional, research, or principal administrative capacity, 3680

shall not be paid to any individual for any week of unemployment 3681  
which begins during the period between two successive academic 3682  
years or terms of the employing educational institution or 3683  
institution of higher education, provided the individual performed 3684  
those services for the educational institution or institution of 3685  
higher education during the first such academic year or term and, 3686  
there is a reasonable assurance that such individual will perform 3687  
those services for any educational institution or institution of 3688  
higher education in the second of such academic years or terms. 3689

If compensation is denied to any individual for any week 3690  
under division (I)(1)(b) of this section and the individual was 3691  
not offered an opportunity to perform those services for an 3692  
institution of higher education or for an educational institution 3693  
for the second of such academic years or terms, the individual is 3694  
entitled to a retroactive payment of compensation for each week 3695  
for which the individual timely filed a claim for compensation and 3696  
for which compensation was denied solely by reason of division 3697  
(I)(1)(b) of this section. An application for retroactive benefits 3698  
shall be timely filed if received by the director or the 3699  
director's deputy within or prior to the end of the fourth full 3700  
calendar week after the end of the period for which benefits were 3701  
denied because of reasonable assurance of employment. The 3702  
provision for the payment of retroactive benefits under division 3703  
(I)(1)(b) of this section is applicable to weeks of unemployment 3704  
beginning on and after November 18, 1983. The provisions under 3705  
division (I)(1)(b) of this section shall be retroactive to 3706  
September 5, 1982, only if, as a condition for full tax credit 3707  
against the tax imposed by the "Federal Unemployment Tax Act," 53 3708  
Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311, the United States 3709  
secretary of labor determines that retroactivity is required by 3710  
federal law. 3711

(c) With respect to weeks of unemployment beginning after 3712



December 31, 1977, benefits shall be denied to any individual for 3713  
any week which commences during an established and customary 3714  
vacation period or holiday recess, if the individual performs any 3715  
services described in divisions (I)(1)(a) and (b) of this section 3716  
in the period immediately before the vacation period or holiday 3717  
recess, and there is a reasonable assurance that the individual 3718  
will perform any such services in the period immediately following 3719  
the vacation period or holiday recess. 3720

(d) With respect to any services described in division 3721  
(I)(1)(a), (b), or (c) of this section, benefits payable on the 3722  
basis of services in any such capacity shall be denied as 3723  
specified in division (I)(1)(a), (b), or (c) of this section to 3724  
any individual who performs such services in an educational 3725  
institution or institution of higher education while in the employ 3726  
of an educational service agency. For this purpose, the term 3727  
"educational service agency" means a governmental agency or 3728  
governmental entity that is established and operated exclusively 3729  
for the purpose of providing services to one or more educational 3730  
institutions or one or more institutions of higher education. 3731

(e) Any individual employed by a public school district, 3732  
other than a municipal school district as defined in section 3733  
3311.71 of the Revised Code, or a county board of developmental 3734  
disabilities shall be notified by the thirtieth day of April each 3735  
year if the individual is not to be reemployed the following 3736  
academic year. 3737

(2) No disqualification will be imposed, between academic 3738  
years or terms or during a vacation period or holiday recess under 3739  
this division, unless the director or the director's deputy has 3740  
received a statement in writing from the educational institution 3741  
or institution of higher education that the claimant has a 3742  
contract for, or a reasonable assurance of, reemployment for the 3743  
ensuing academic year or term. 3744

(3) If an individual has employment with an educational 3745  
institution or an institution of higher education and employment 3746  
with a noneducational employer, during the base period of the 3747  
individual's benefit year, then the individual may become eligible 3748  
for benefits during the between-term, or vacation or holiday 3749  
recess, disqualification period, based on employment performed for 3750  
the noneducational employer, provided that the employment is 3751  
sufficient to qualify the individual for benefit rights separately 3752  
from the benefit rights based on school employment. The weekly 3753  
benefit amount and maximum benefits payable during a 3754  
disqualification period shall be computed based solely on the 3755  
nonschool employment. 3756

(J) Benefits shall not be paid on the basis of employment 3757  
performed by an alien, unless the alien had been lawfully admitted 3758  
to the United States for permanent residence at the time the 3759  
services were performed, was lawfully present for purposes of 3760  
performing the services, or was otherwise permanently residing in 3761  
the United States under color of law at the time the services were 3762  
performed, under section 212(d)(5) of the "Immigration and 3763  
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101: 3764

(1) Any data or information required of individuals applying 3765  
for benefits to determine whether benefits are not payable to them 3766  
because of their alien status shall be uniformly required from all 3767  
applicants for benefits. 3768

(2) In the case of an individual whose application for 3769  
benefits would otherwise be approved, no determination that 3770  
benefits to the individual are not payable because of the 3771  
individual's alien status shall be made except upon a 3772  
preponderance of the evidence that the individual had not, in 3773  
fact, been lawfully admitted to the United States. 3774

(K) The director shall establish and utilize a system of 3775  
profiling all new claimants under this chapter that: 3776

(1) Identifies which claimants will be likely to exhaust 3777  
regular compensation and will need job search assistance services 3778  
to make a successful transition to new employment; 3779

(2) Refers claimants identified pursuant to division (K)(1) 3780  
of this section to reemployment services, such as job search 3781  
assistance services, available under any state or federal law; 3782

(3) Collects follow-up information relating to the services 3783  
received by such claimants and the employment outcomes for such 3784  
claimant's subsequent to receiving such services and utilizes such 3785  
information in making identifications pursuant to division (K)(1) 3786  
of this section; and 3787

(4) Meets such other requirements as the United States 3788  
secretary of labor determines are appropriate. 3789

**Sec. 5705.192.** (A) For the purposes of this section only, 3790  
"taxing authority" includes a township board of park commissioners 3791  
appointed under section 511.18 of the Revised Code. 3792

(B) A taxing authority may propose to replace an existing 3793  
levy that the taxing authority is authorized to levy, regardless 3794  
of the section of the Revised Code under which the authority is 3795  
granted, except a school district emergency levy proposed pursuant 3796  
to sections 5705.194 to 5705.197 of the Revised Code. The taxing 3797  
authority may propose to replace the existing levy in its entirety 3798  
at the rate at which it is authorized to be levied; may propose to 3799  
replace a portion of the existing levy at a lesser rate; or may 3800  
propose to replace the existing levy in its entirety and increase 3801  
the rate at which it is levied. If the taxing authority proposes 3802  
to replace an existing levy, the proposed levy shall be called a 3803  
replacement levy and shall be so designated on the ballot. Except 3804  
as otherwise provided in this division, a replacement levy shall 3805  
be limited to the purpose of the existing levy, and shall appear 3806  
separately on the ballot from, and shall not be conjoined with, 3807

the renewal of any other existing levy. In the case of an existing 3808  
school district levy imposed under section 5705.21 of the Revised 3809  
Code for the purpose specified in division (F) of section 5705.19 3810  
of the Revised Code, the replacement for that existing levy may be 3811  
for the same purpose or for the purpose of general permanent 3812  
improvements as defined in section 5705.21 of the Revised Code. 3813

The resolution proposing a replacement levy shall specify the 3814  
purpose of the levy; its proposed rate expressed in mills; whether 3815  
the proposed rate is the same as the rate of the existing levy, a 3816  
reduction, or an increase; the extent of any reduction or increase 3817  
expressed in mills; the first calendar year in which the levy will 3818  
be due; and the term of the levy, expressed in years or, if 3819  
applicable, that it will be levied for a continuing period of 3820  
time. 3821

The sections of the Revised Code governing the maximum rate 3822  
and term of the existing levy, the contents of the resolution that 3823  
proposed the levy, the adoption of the resolution, the 3824  
arrangements for the submission of the question of the levy, and 3825  
notice of the election also govern the respective provisions of 3826  
the proposal to replace the existing levy, except as provided in 3827  
~~division~~ divisions (B)(1) ~~or (2)~~ to (3) of this section: 3828

(1) In the case of an existing school district levy imposed 3829  
under section 5705.21 of the Revised Code for the purpose 3830  
specified in division (F) of section 5705.19 of the Revised Code 3831  
that is to be replaced by a levy for general permanent 3832  
improvements, the maximum term of the replacement levy is not 3833  
limited to the term of the existing levy and may be for a 3834  
continuing period of time. 3835

(2) The date on which the election is held shall be as 3836  
follows: 3837

(a) For the replacement of a levy with a fixed term of years, 3838

the date of the general election held during the last year the 3839  
existing levy may be extended on the real and public utility 3840  
property tax list and duplicate, or the date of any election held 3841  
in the ensuing year; 3842

(b) For the replacement of a levy imposed for a continuing 3843  
period of time, the date of any election held in any year after 3844  
the year the levy to be replaced is first approved by the 3845  
electors, except that only one election on the question of 3846  
replacing the levy may be held during any calendar year. 3847

The failure by the electors to approve a proposal to replace 3848  
a levy imposed for a continuing period of time does not terminate 3849  
the existing continuing levy. 3850

(3) In the case of an existing school district levy imposed 3851  
under division (B) of section 5705.21, division (C) of section 3852  
5705.212, or division (J) of section 5705.218 of the Revised Code, 3853  
the rates allocated to the municipal school district and to 3854  
partnering community schools each may be increased or decreased or 3855  
remain the same, and the total rate may be increased, decreased, 3856  
or remain the same. 3857

(C) The form of the ballot at the election on the question of 3858  
a replacement levy shall be as follows: 3859

"A replacement of a tax for the benefit of ..... (name 3860  
of subdivision or public library) for the purpose of ..... 3861  
(the purpose stated in the resolution) at a rate not exceeding 3862  
..... mills for each one dollar of valuation, which amounts 3863  
to ..... (rate expressed in dollars and cents) for each one 3864  
hundred dollars in valuation, for ..... (number of years levy 3865  
is to run, or that it will be levied for a continuous period of 3866  
time) 3867

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	FOR THE TAX LEVY
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	AGAINST THE TAX LEVY	"
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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 partnering community schools)."

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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 partnering community schools.

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

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

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submitted at the same election. 3902

(D) Two existing levies, or any portion of those levies, may 3903  
be combined into one replacement levy, so long as both of the 3904  
existing levies are for the same purpose and either both are due 3905  
to expire the same year or both are for a continuing period of 3906  
time. The question of combining all or portions of the two 3907  
existing levies into the replacement levy shall appear as one 3908  
ballot proposition before the electors. If the electors approve 3909  
the ballot proposition, all or the stated portions of the two 3910  
existing levies are replaced by one replacement levy. 3911

(E) A levy approved in excess of the ten-mill limitation 3912  
under this section shall be certified to the tax commissioner. In 3913  
the first year of a levy approved under this section, the levy 3914  
shall be extended on the tax lists after the February settlement 3915  
succeeding the election at which the levy was approved. If the 3916  
levy is to be placed on the tax lists of the current year, as 3917  
specified in the resolution providing for its submission, the 3918  
result of the election shall be certified immediately after the 3919  
canvass by the board of elections to the taxing authority, which 3920  
shall forthwith make the necessary levy and certify it to the 3921  
county auditor, who shall extend it on the tax lists for 3922  
collection. After the first year, the levy shall be included in 3923  
the annual tax budget that is certified to the county budget 3924  
commission. 3925

If notes are authorized to be issued in anticipation of the 3926  
proceeds of the existing levy, notes may be issued in anticipation 3927  
of the proceeds of the replacement levy, and such issuance is 3928  
subject to the terms and limitations governing the issuance of 3929  
notes in anticipation of the proceeds of the existing levy. 3930

(F) This section does not authorize a tax to be levied in any 3931  
year after the year in which revenue is not needed for the purpose 3932  
for which the tax is levied. 3933

Sec. 5705.21. (A) At any time, the board of education of any 3934  
city, local, exempted village, cooperative education, or joint 3935  
vocational school district, by a vote of two-thirds of all its 3936  
members, may declare by resolution that the amount of taxes which 3937  
may be raised within the ten-mill limitation by levies on the 3938  
current tax duplicate will be insufficient to provide an adequate 3939  
amount for the necessary requirements of the school district, that 3940  
it is necessary to levy a tax in excess of such limitation for one 3941  
of the purposes specified in division (A), (D), (F), (H), or (DD) 3942  
of section 5705.19 of the Revised Code, for general permanent 3943  
improvements, for the purpose of operating a cultural center, or 3944  
for the purpose of providing education technology, and that the 3945  
question of such additional tax levy shall be submitted to the 3946  
electors of the school district at a special election on a day to 3947  
be specified in the resolution. If the resolution states that the 3948  
levy is for the purpose of operating a cultural center, the ballot 3949  
shall state that the levy is "for the purpose of operating the 3950  
..... (name of cultural center)." 3951

As used in this ~~section~~ division, "cultural center" means a 3952  
freestanding building, separate from a public school building, 3953  
that is open to the public for educational, musical, artistic, and 3954  
cultural purposes; "education technology" means, but is not 3955  
limited to, computer hardware, equipment, materials, and 3956  
accessories, equipment used for two-way audio or video, and 3957  
software; and "general permanent improvements" means permanent 3958  
improvements without regard to the limitation of division (F) of 3959  
section 5705.19 of the Revised Code that the improvements be a 3960  
specific improvement or a class of improvements that may be 3961  
included in a single bond issue. 3962

~~The submission of questions to the electors under this 3963  
section is subject to the limitation on the number of election 3964  
dates established by section 5705.214 of the Revised Code. 3965~~



~~(B) Such~~ A resolution adopted under this division shall be 3966  
confined to a single purpose and shall specify the amount of the 3967  
increase in rate that it is necessary to levy, the purpose of the 3968  
levy, and the number of years during which the increase in rate 3969  
shall be in effect. The number of years may be any number not 3970  
exceeding five or, if the levy is for current expenses of the 3971  
district or for general permanent improvements, for a continuing 3972  
period of time. The 3973

(B)(1) The board of education of a municipal school district, 3974  
by resolution, may declare that it is necessary to levy a tax in 3975  
excess of the ten-mill limitation for the purpose of paying the 3976  
current expenses of the district and of partnering community 3977  
schools and that the question of the additional tax levy shall be 3978  
submitted to the electors of the school district at a special 3979  
election on a day to be specified in the resolution. The 3980  
resolution shall state the purpose of the levy, the rate of the 3981  
tax expressed in mills per dollar of taxable value, the number of 3982  
such mills to be levied for the current expenses of the partnering 3983  
community schools and the number of such mills to be levied for 3984  
the current expenses of the school district, the number of years 3985  
the tax will be levied, and the first year the tax will be levied. 3986  
The number of years the tax may be levied may be any number not 3987  
exceeding ten years, or for a continuing period of time. 3988

The levy of a tax for the current expenses of a partnering 3989  
community school under this section and the distribution of 3990  
proceeds from the tax by a municipal school district to partnering 3991  
community schools is hereby determined to be a proper public 3992  
purpose. 3993

(2) The form of the ballot at an election held pursuant to 3994  
division (B) of this section shall be as follows: 3995

"Shall a levy be imposed by the ..... (insert the name of 3996  
the municipal school district) for the purpose of current expenses 3997

of the school district and of partnering community schools at a 3998  
rate not exceeding ..... (insert the number of mills) mills for 3999  
each one dollar of valuation (of which ..... (insert the number 4000  
of mills to be allocated to partnering community schools) mills is 4001  
to be allocated to partnering community schools), which amounts to 4002  
..... (insert the rate expressed in dollars and cents) for each 4003  
one hundred dollars of valuation, for ..... (insert the number of 4004  
years the levy is to be imposed, or that it will be levied for a 4005  
continuing period of time), beginning ..... (insert first year 4006  
the tax is to be levied), which will first be payable in calendar 4007  
year ..... (insert the first calendar year in which the tax would 4008  
be payable)? 4009

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

(3) Upon each receipt of a tax distribution by the municipal 4012  
school district, the board of education shall credit the portion 4013  
allocated to partnering community schools to the partnering 4014  
community schools fund. All income from the investment of money in 4015  
the partnering community schools fund shall be credited to that 4016  
fund. 4017

Not more than forty-five days after the municipal school 4018  
district receives and deposits each tax distribution, the board of 4019  
education shall distribute the partnering community schools amount 4020  
among the then qualifying community schools. From each tax 4021  
distribution, each such partnering community school shall receive 4022  
a portion of the partnering community schools amount in the 4023  
proportion that the number of its resident students bears to the 4024  
aggregate number of resident students of all such partnering 4025  
community schools as of the date of receipt and deposit of the tax 4026  
distribution. For the purposes of this division, the number of 4027  
resident students shall be the number of such students reported 4028  
under section 3317.03 of the Revised Code and established by the 4029

department of education as of the date of receipt and deposit of 4030  
the tax distribution. 4031

(4) To the extent an agreement whereby the municipal school 4032  
district and a community school endorse each other's programs is 4033  
necessary for the community school to qualify as a partnering 4034  
community school under division (B)(6)(b) of this section, the 4035  
board of education of the school district shall certify to the 4036  
department of education the agreement along with the determination 4037  
that such agreement satisfies the requirements of that division. 4038  
The board's determination is conclusive. 4039

(5) For the purposes of Chapter 3317. of the Revised Code or 4040  
other laws referring to the "taxes charged and payable" for a 4041  
school district, the taxes charged and payable for a municipal 4042  
school district that levies a tax under division (B) of this 4043  
section includes only the taxes charged and payable under that 4044  
levy for the current expenses of the school district, and does not 4045  
include the taxes charged and payable for the current expenses of 4046  
partnering community schools. The taxes charged and payable for 4047  
the current expenses of partnering community schools shall not 4048  
affect the calculation of "state education aid" as defined in 4049  
section 5751.20 of the Revised Code. 4050

(6) As used in division (B) of this section: 4051

(a) "Municipal school district" has the same meaning as in 4052  
section 3311.71 of the Revised Code. 4053

(b) "Partnering community school" means a community school 4054  
established under Chapter 3314. of the Revised Code that is 4055  
located within the territory of the municipal school district and 4056  
that either is sponsored by the district or is a party to an 4057  
agreement with the district whereby the district and the community 4058  
school endorse each other's programs. 4059

(c) "Partnering community schools amount" means the product 4060

obtained, as of the receipt and deposit of the tax distribution, 4061  
by multiplying the amount of a tax distribution by a fraction, the 4062  
numerator of which is the number of mills per dollar of taxable 4063  
value of the property tax to be allocated to partnering community 4064  
schools, and the denominator of which is the total number of mills 4065  
per dollar of taxable value authorized by the electors in the 4066  
election held under division (B) of this section, each as set 4067  
forth in the resolution levying the tax. 4068

(d) "Partnering community schools fund" means a separate fund 4069  
established by the board of education of a municipal school 4070  
district for the deposit of partnering community school amounts 4071  
under this section. 4072

(e) "Resident student" means a student enrolled in a 4073  
partnering community school who is entitled to attend school in 4074  
the municipal school district under section 3313.64 or 3313.65 of 4075  
the Revised Code. 4076

(f) "Tax distribution" means a distribution of proceeds of 4077  
the tax authorized by division (B) of this section under section 4078  
321.24 of the Revised Code and distributions that are attributable 4079  
to that tax under sections 323.156 and 4503.068 of the Revised 4080  
Code or other applicable law. 4081

(C) A resolution adopted under this section shall specify the 4082  
date of holding ~~such~~ the election, which shall not be earlier than 4083  
ninety days after the adoption and certification of the resolution 4084  
and which shall be consistent with the requirements of section 4085  
3501.01 of the Revised Code. 4086

~~The~~ A resolution adopted under this section may propose to 4087  
renew one or more existing levies imposed under division (A) or 4088  
(B) of this section or to increase or decrease a single levy 4089  
imposed under ~~this section~~ either such division. ~~If~~ 4090

If the board of education imposes one or more existing levies 4091

for the purpose specified in division (F) of section 5705.19 of 4092  
the Revised Code, the resolution may propose to renew one or more 4093  
of those existing levies, or to increase or decrease a single such 4094  
existing levy, for the purpose of general permanent improvements. 4095  
~~if~~ 4096

If the resolution proposes to renew two or more existing 4097  
levies, the levies shall be levied for the same purpose. The 4098  
resolution shall identify those levies and the rates at which they 4099  
are levied. The resolution also shall specify that the existing 4100  
levies shall not be extended on the tax lists after the year 4101  
preceding the year in which the renewal levy is first imposed, 4102  
regardless of the years for which those levies originally were 4103  
authorized to be levied. 4104

If the resolution proposes to renew an existing levy imposed 4105  
under division (B) of this section, the rates allocated to the 4106  
municipal school district and to partnering community schools each 4107  
may be increased or decreased or remain the same, and the total 4108  
rate may be increased, decreased, or remain the same. The 4109  
resolution and notice of election shall specify the number of the 4110  
mills to be levied for the current expenses of the partnering 4111  
community schools and the number of the mills to be levied for the 4112  
current expenses of the municipal school district. 4113

~~The A~~ resolution adopted under this section shall go into 4114  
immediate effect upon its passage, and no publication of the 4115  
resolution shall be necessary other than that provided for in the 4116  
notice of election. A copy of the resolution shall immediately 4117  
after its passing be certified to the board of elections of the 4118  
proper county in the manner provided by section 5705.25 of the 4119  
Revised Code, ~~and that. That~~ section shall govern the arrangements 4120  
for the submission of such question and other matters concerning 4121  
~~such the~~ election, to which that section refers, including 4122  
publication of notice of the election, except that ~~such the~~ 4123

election shall be held on the date specified in the resolution. 4124  
~~Publication of notice of that election shall be made in a~~ 4125  
~~newspaper of general circulation in the county once a week for two~~ 4126  
~~consecutive weeks, or as provided in section 7.16 of the Revised~~ 4127  
~~Code, prior to the election. If the board of elections operates~~ 4128  
~~and maintains a web site, the board of elections shall post notice~~ 4129  
~~of the election on its web site for thirty days prior to the~~ 4130  
~~election. In the case of a resolution adopted under division (B)~~ 4131  
~~of this section, the publication of notice of that election shall~~ 4132  
~~state the number of the mills to be levied for the current~~ 4133  
~~expenses of partnering community schools and the number of the~~ 4134  
~~mills to be levied for the current expenses of the municipal~~ 4135  
~~school district. If a majority of the electors voting on the~~ 4136  
question so submitted in an election vote in favor of the levy, 4137  
the board of education may make the necessary levy within the 4138  
school district at the additional rate, or at any lesser rate in 4139  
excess of the ten-mill limitation on the tax list, for the purpose 4140  
stated in the resolution. A levy for a continuing period of time 4141  
may be reduced pursuant to section 5705.261 of the Revised Code. 4142  
The tax levy shall be included in the next tax budget that is 4143  
certified to the county budget commission. 4144

~~(C)~~(D)(1) After the approval of a levy on the current tax 4145  
list and duplicate for current expenses, for recreational 4146  
purposes, for community centers provided for in section 755.16 of 4147  
the Revised Code, or for a public library of the district under 4148  
division (A) of this section, and prior to the time when the first 4149  
tax collection from the levy can be made, the board of education 4150  
may anticipate a fraction of the proceeds of the levy and issue 4151  
anticipation notes in a principal amount not exceeding fifty per 4152  
cent of the total estimated proceeds of the levy to be collected 4153  
during the first year of the levy. 4154

(2) After the approval of a levy for general permanent 4155

improvements for a specified number of years, or for permanent 4156  
improvements having the purpose specified in division (F) of 4157  
section 5705.19 of the Revised Code, the board of education may 4158  
anticipate a fraction of the proceeds of the levy and issue 4159  
anticipation notes in a principal amount not exceeding fifty per 4160  
cent of the total estimated proceeds of the levy remaining to be 4161  
collected in each year over a period of five years after the 4162  
issuance of the notes. 4163

The notes shall be issued as provided in section 133.24 of 4164  
the Revised Code, shall have principal payments during each year 4165  
after the year of their issuance over a period not to exceed five 4166  
years, and may have a principal payment in the year of their 4167  
issuance. 4168

(3) After approval of a levy for general permanent 4169  
improvements for a continuing period of time, the board of 4170  
education may anticipate a fraction of the proceeds of the levy 4171  
and issue anticipation notes in a principal amount not exceeding 4172  
fifty per cent of the total estimated proceeds of the levy to be 4173  
collected in each year over a specified period of years, not 4174  
exceeding ten, after the issuance of the notes. 4175

The notes shall be issued as provided in section 133.24 of 4176  
the Revised Code, shall have principal payments during each year 4177  
after the year of their issuance over a period not to exceed ten 4178  
years, and may have a principal payment in the year of their 4179  
issuance. 4180

(4) After the approval of a levy on the current tax list and 4181  
duplicate under division (B) of this section, and prior to the 4182  
time when the first tax collection from the levy can be made, the 4183  
board of education may anticipate a fraction of the proceeds of 4184  
the levy for the current expenses of the school district and issue 4185  
anticipation notes in a principal amount not exceeding fifty per 4186  
cent of the estimated proceeds of the levy to be collected during 4187

the first year of the levy and allocated to the school district. 4188  
The portion of the levy proceeds to be allocated to partnering 4189  
community schools under that division shall not be included in the 4190  
estimated proceeds anticipated under this division and shall not 4191  
be used to pay debt charges on any anticipation notes. 4192

The notes shall be issued as provided in section 133.24 of 4193  
the Revised Code, shall have principal payments during each year 4194  
after the year of their issuance over a period not to exceed five 4195  
years, and may have a principal payment in the year of their 4196  
issuance. 4197

(E) The submission of questions to the electors under this 4198  
section is subject to the limitation on the number of election 4199  
dates established by section 5705.214 of the Revised Code. 4200

**Sec. 5705.212.** (A)(1) The board of education of any school 4201  
district, at any time and by a vote of two-thirds of all of its 4202  
members, may declare by resolution that the amount of taxes that 4203  
may be raised within the ten-mill limitation will be insufficient 4204  
to provide an adequate amount for the present and future 4205  
requirements of the school district, that it is necessary to levy 4206  
not more than five taxes in excess of that limitation for current 4207  
expenses, and that each of the proposed taxes first will be levied 4208  
in a different year, over a specified period of time. The board 4209  
shall identify the taxes proposed under this section as follows: 4210  
the first tax to be levied shall be called the "original tax." 4211  
Each tax subsequently levied shall be called an "incremental tax." 4212  
The rate of each incremental tax shall be identical, but the rates 4213  
of such incremental taxes need not be the same as the rate of the 4214  
original tax. The resolution also shall state that the question of 4215  
these additional taxes shall be submitted to the electors of the 4216  
school district at a special election. The resolution shall 4217  
specify separately for each tax proposed: the amount of the 4218



increase in rate that it is necessary to levy, expressed 4219  
separately for the original tax and each incremental tax; that the 4220  
purpose of the levy is for current expenses; the number of years 4221  
during which the original tax shall be in effect; a specification 4222  
that the last year in which the original tax is in effect shall 4223  
also be the last year in which each incremental tax shall be in 4224  
effect; and the year in which each tax first is proposed to be 4225  
levied. The original tax may be levied for any number of years not 4226  
exceeding ten, or for a continuing period of time. The resolution 4227  
shall specify the date of holding the special election, which 4228  
shall not be earlier than ninety days after the adoption and 4229  
certification of the resolution and shall be consistent with the 4230  
requirements of section 3501.01 of the Revised Code. 4231

(2) The board of education, by a vote of two-thirds of all of 4232  
its members, may adopt a resolution proposing to renew taxes 4233  
levied other than for a continuing period of time under division 4234  
(A)(1) of this section. Such a resolution shall provide for 4235  
levying a tax and specify all of the following: 4236

(a) That the tax shall be called and designated on the ballot 4237  
as a renewal levy; 4238

(b) The rate of the renewal tax, which shall be a single rate 4239  
that combines the rate of the original tax and each incremental 4240  
tax into a single rate. The rate of the renewal tax shall not 4241  
exceed the aggregate rate of the original and incremental taxes. 4242

(c) The number of years, not to exceed ten, that the renewal 4243  
tax will be levied, or that it will be levied for a continuing 4244  
period of time; 4245

(d) That the purpose of the renewal levy is for current 4246  
expenses; 4247

(e) Subject to the certification and notification 4248  
requirements of section 5705.251 of the Revised Code, that the 4249

question of the renewal levy shall be submitted to the electors of 4250  
the school district at the general election held during the last 4251  
year the original tax may be extended on the real and public 4252  
utility property tax list and duplicate or at a special election 4253  
held during the ensuing year. 4254

(3) A resolution adopted under division (A)(1) or (2) of this 4255  
section shall go into immediate effect upon its adoption and no 4256  
publication of the resolution is necessary other than that 4257  
provided for in the notice of election. Immediately after its 4258  
adoption, a copy of the resolution shall be certified to the board 4259  
of elections of the proper county in the manner provided by 4260  
division (A) of section 5705.251 of the Revised Code, and that 4261  
division shall govern the arrangements for the submission of the 4262  
question and other matters concerning the election to which that 4263  
section refers. The election shall be held on the date specified 4264  
in the resolution. If a majority of the electors voting on the 4265  
question so submitted in an election vote in favor of the taxes or 4266  
a renewal tax, the board of education, if the original or a 4267  
renewal tax is authorized to be levied for the current year, 4268  
immediately may make the necessary levy within the school district 4269  
at the authorized rate, or at any lesser rate in excess of the 4270  
ten-mill limitation, for the purpose stated in the resolution. No 4271  
tax shall be imposed prior to the year specified in the resolution 4272  
as the year in which it is first proposed to be levied. The rate 4273  
of the original tax and the rate of each incremental tax shall be 4274  
cumulative, so that the aggregate rate levied in any year is the 4275  
sum of the rates of both the original tax and all incremental 4276  
taxes levied in or prior to that year under the same proposal. A 4277  
tax levied for a continuing period of time under this section may 4278  
be reduced pursuant to section 5705.261 of the Revised Code. 4279

~~(4) The submission of questions to the electors under this 4280  
section is subject to the limitation on the number of election 4281~~

~~dates established by section 5705.214 of the Revised Code.~~ 4282

(B) Notwithstanding ~~sections~~ section 133.30 and ~~133.301~~ of 4283  
the Revised Code, after the approval of a tax to be levied in the 4284  
current or the succeeding year and prior to the time when the 4285  
first tax collection from that levy can be made, the board of 4286  
education may anticipate a fraction of the proceeds of the levy 4287  
and issue anticipation notes in an amount not to exceed fifty per 4288  
cent of the total estimated proceeds of the levy to be collected 4289  
during the first year of the levy. The notes shall be sold as 4290  
provided in Chapter 133. of the Revised Code. If anticipation 4291  
notes are issued, they shall mature serially and in substantially 4292  
equal amounts during each year over a period not to exceed five 4293  
years; and the amount necessary to pay the interest and principal 4294  
as the anticipation notes mature shall be deemed appropriated for 4295  
those purposes from the levy, and appropriations from the levy by 4296  
the board of education shall be limited each fiscal year to the 4297  
balance available in excess of that amount. 4298

If the auditor of state has certified a deficit pursuant to 4299  
section 3313.483 of the Revised Code, the notes authorized under 4300  
this section may be sold in accordance with Chapter 133. of the 4301  
Revised Code, except that the board may sell the notes after 4302  
providing a reasonable opportunity for competitive bidding. 4303

(C)(1) The board of education of a municipal school district, 4304  
at any time and by a vote of two-thirds of all its members, may 4305  
declare by resolution that it is necessary to levy not more than 4306  
five taxes in excess of the ten-mill limitation for the current 4307  
expenses of the school district and of partnering community 4308  
schools, and that each of the proposed taxes first will be levied 4309  
in a different year, over a specified period of time. The board 4310  
shall identify the taxes proposed under this division in the same 4311  
manner as in division (A)(1) of this section. The rate of each 4312  
incremental tax shall be identical, but the rates of such 4313

incremental taxes need not be the same as the rate of the original 4314  
tax. In addition to the specifications required of the resolution 4315  
in division (A) of this section, the resolution shall state the 4316  
number of the mills to be levied each year for the current 4317  
expenses of the partnering community schools and the number of the 4318  
mills to be levied each year for the current expenses of the 4319  
school district. The number of mills for the current expenses of 4320  
partnering community schools shall be the same for each of the 4321  
incremental taxes, and the number of mills for the current 4322  
expenses of the municipal school district shall be the same for 4323  
each of the incremental taxes. 4324

The levy of taxes for the current expenses of a partnering 4325  
community school under division (C) of this section and the 4326  
distribution of proceeds from the tax by a municipal school 4327  
district to partnering community schools is hereby determined to 4328  
be a proper public purpose. 4329

(2) The board of education, by a vote of two-thirds of all of 4330  
its members, may adopt a resolution proposing to renew taxes 4331  
levied other than for a continuing period of time under division 4332  
(C)(1) of this section. In such a renewal levy, the rates 4333  
allocated to the municipal school district and to partnering 4334  
community schools each may be increased or decreased or remain the 4335  
same, and the total rate may be increased, decreased, or remain 4336  
the same. In addition to the requirements of division (A)(2) of 4337  
this section, the resolution shall state the number of the mills 4338  
to be levied for the current expenses of the partnering community 4339  
schools and the number of the mills to be levied for the current 4340  
expenses of the school district. 4341

(3) A resolution adopted under division (C)(1) or (2) of this 4342  
section is subject to the rules and procedures prescribed by 4343  
division (A)(3) of this section. 4344

(4) The proceeds of each tax levied under division (C)(1) or 4345

(2) of this section shall be credited and distributed in the manner prescribed by division (B)(3) of section 5705.21 of the Revised Code, and divisions (B)(4), (5), and (6) of that section apply to taxes levied under division (C) of this section.

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

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

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

As used in division (C) of this section, "municipal school

district" and "partnering community schools" have the same 4378  
meanings as in section 5705.21 of the Revised Code. 4379

(D) The submission of questions to the electors under this 4380  
section is subject to the limitation on the number of election 4381  
dates established by section 5705.214 of the Revised Code. 4382

**Sec. 5705.215.** (A) The governing board of an educational 4383  
service center that is the taxing authority of a county school 4384  
financing district, upon receipt of identical resolutions adopted 4385  
within a sixty-day period by a majority of the members of the 4386  
board of education of each school district that is within the 4387  
territory of the county school financing district, may submit a 4388  
tax levy to the electors of the territory in the same manner as a 4389  
school board may submit a levy under division ~~(B)~~(C) of section 4390  
5705.21 of the Revised Code, except that: 4391

(1) The levy may be for a period not to exceed ten years, or, 4392  
if the levy is solely for the purpose or purposes described in 4393  
division (A)(2)(a) or (c) of this section, for a continuing period 4394  
of time. 4395

(2) The purpose of the levy shall be one or more of the 4396  
following: 4397

(a) For current expenses for the provision of special 4398  
education and related services within the territory of the 4399  
district; 4400

(b) For permanent improvements within the territory of the 4401  
district for special education and related services; 4402

(c) For current expenses for specified educational programs 4403  
within the territory of the district; 4404

(d) For permanent improvements within the territory of the 4405  
district for specified educational programs; 4406

(e) For permanent improvements within the territory of the 4407

district. 4408

(B) If the levy provides for but is not limited to current 4409  
expenses, the resolutions shall apportion the annual rate of the 4410  
levy between current expenses and the other purposes. The 4411  
apportionment need not be the same for each year of the levy, but 4412  
the respective portions of the rate actually levied each year for 4413  
current expenses and the other purposes shall be limited by that 4414  
apportionment. 4415

(C) Prior to the application of section 319.301 of the 4416  
Revised Code, the rate of a levy that is limited to, or to the 4417  
extent that it is apportioned to, purposes other than current 4418  
expenses shall be reduced in the same proportion in which the 4419  
district's total valuation increases during the life of the levy 4420  
because of additions to such valuation that have resulted from 4421  
improvements added to the tax list and duplicate. 4422

(D) After the approval of a county school financing district 4423  
levy under this section, the taxing authority may anticipate a 4424  
fraction of the proceeds of such levy and may from time to time 4425  
during the life of such levy, but in any given year prior to the 4426  
time when the tax collection from such levy can be made for that 4427  
year, issue anticipation notes in an amount not exceeding fifty 4428  
per cent of the estimated proceeds of the levy to be collected in 4429  
each year up to a period of five years after the date of the 4430  
issuance of such notes, less an amount equal to the proceeds of 4431  
such levy obligated for each year by the issuance of anticipation 4432  
notes, provided that the total amount maturing in any one year 4433  
shall not exceed fifty per cent of the anticipated proceeds of the 4434  
levy for that year. Each issue of notes shall be sold as provided 4435  
in Chapter 133. of the Revised Code, and shall, except for such 4436  
limitation that the total amount of such notes maturing in any one 4437  
year shall not exceed fifty per cent of the anticipated proceeds 4438  
of such levy for that year, mature serially in substantially equal 4439

installments during each year over a period not to exceed five 4440  
years after their issuance. 4441

(E)(1) In a resolution to be submitted to the taxing 4442  
authority of a county school financing district under division (A) 4443  
of this section calling for a ballot issue on the question of the 4444  
levying of a tax for a continuing period of time by the taxing 4445  
authority, the board of education of a school district that is 4446  
part of the territory of the county school financing district also 4447  
may propose to reduce the rate of one or more of that school 4448  
district's property taxes levied for a continuing period of time 4449  
in excess of the ten-mill limitation. The reduction in the rate of 4450  
a property tax may be any amount, expressed in mills per one 4451  
dollar of valuation, not exceeding the rate at which the tax is 4452  
authorized to be levied. The reduction in the rate of a tax shall 4453  
first take effect in the same year that the county school 4454  
financing district tax takes effect, and shall continue for each 4455  
year that the county school financing district tax is in effect. A 4456  
board of education's resolution proposing to reduce the rate of 4457  
one or more of its school district property taxes shall 4458  
specifically identify each such tax and shall state for each tax 4459  
the maximum rate at which it currently may be levied and the 4460  
maximum rate at which it could be levied after the proposed 4461  
reduction, expressed in mills per one dollar of valuation. 4462

Before submitting the resolution to the taxing authority of 4463  
the county school financing district, the board of education of 4464  
the school district shall certify a copy of it to the tax 4465  
commissioner. Within ten days of receiving the copy, the tax 4466  
commissioner shall certify to the board the reduction in the 4467  
school district's total effective tax rate for each class of 4468  
property that would have resulted if the proposed reduction in the 4469  
rate or rates had been in effect the previous year. After 4470  
receiving the certification from the commissioner, the board may 4471



amend its resolution to change the proposed property tax rate 4472  
reduction before submitting the resolution to the financing 4473  
district taxing authority. As used in this paragraph, "effective 4474  
tax rate" has the same meaning as in section 323.08 of the Revised 4475  
Code. 4476

If the board of education of a school district that is part 4477  
of the territory of a county school financing district adopts a 4478  
resolution proposing to reduce the rate of one or more of its 4479  
property taxes in conjunction with the levying of a tax by the 4480  
financing district, the resolution submitted by the board to the 4481  
taxing authority of the financing district under division (A) of 4482  
this section does not have to be identical in this respect to the 4483  
resolutions submitted by the boards of education of the other 4484  
school districts that are part of the territory of the county 4485  
school financing district. 4486

(2) Each school district that is part of the territory of a 4487  
county school financing district may tailor to its own situation a 4488  
proposed reduction in one or more property tax rates in 4489  
conjunction with the proposed levying of a tax by the county 4490  
school financing district; if one such school district proposes a 4491  
reduction in one or more tax rates, another school district may 4492  
propose a reduction of a different size or may propose no 4493  
reduction. Within each school district that is part of the 4494  
territory of the county school financing district, the electors 4495  
shall vote on one ballot issue combining the question of the 4496  
levying of the tax by the taxing authority of the county school 4497  
financing district with, if any such reduction is proposed, the 4498  
question of the reduction in the rate of one or more taxes of the 4499  
school district. If a majority of the electors of the county 4500  
school financing district voting on the question of the proposed 4501  
levying of a tax by the taxing authority of the financing district 4502  
vote to approve the question, any tax reductions proposed by 4503

school districts that are part of the territory of the financing district also are approved. 4504  
4505

(3) The form of the ballot for an issue proposing to levy a county school financing district tax in conjunction with the reduction of the rate of one or more school district taxes shall be as follows: 4506  
4507  
4508  
4509

"Shall the ..... (name of the county school financing district) be authorized to levy an additional tax for ..... (purpose stated in the resolutions) 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 of valuation, for a continuing period of time? If the county school financing district tax is approved, the rate of an existing tax currently levied by the ..... (name of the school district of which the elector is a resident) at the rate of ..... mills for each one dollar of valuation shall be reduced to ..... mills until any such time as the county school financing district tax is decreased or repealed. 4510  
4511  
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	For the issue
	Against the issue

"

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If the board of education of the school district proposes to reduce the rate of more than one of its existing taxes, the second sentence of the ballot language shall be modified for residents of that district to express the rates at which those taxes currently are levied and the rates to which they would be reduced. If the board of education of the school district does not propose to reduce the rate of any of its taxes, the second sentence of the ballot language shall not be used for residents of that district. In any case, the first sentence of the ballot language shall be

the same for all the electors in the county school financing 4535  
district, but the second sentence shall be different in each 4536  
school district depending on whether and in what amount the board 4537  
of education of the school district proposes to reduce the rate of 4538  
one or more of its property taxes. 4539

(4) If the rate of a school district property tax is reduced 4540  
pursuant to this division, the tax commissioner shall compute the 4541  
percentage required to be computed for that tax under division (D) 4542  
of section 319.301 of the Revised Code each year the rate is 4543  
reduced as if the tax had been levied in the preceding year at the 4544  
rate to which it has been reduced. If the reduced rate of a tax is 4545  
increased under division (E)(5) of this section, the commissioner 4546  
shall compute the percentage required to be computed for that tax 4547  
under division (D) of section 319.301 of the Revised Code each 4548  
year the rate is increased as if the tax had been levied in the 4549  
preceding year at the rate to which it has been increased. 4550

(5) After the levying of a county school financing district 4551  
tax in conjunction with the reduction of the rate of one or more 4552  
school district taxes is approved by the electors under this 4553  
division, if the rate of the county school financing district tax 4554  
is decreased pursuant to an election under section 5705.261 of the 4555  
Revised Code, the rate of each school district tax that had been 4556  
reduced shall be increased by the number of mills obtained by 4557  
multiplying the number of mills of the original reduction by the 4558  
same percentage that the financing district tax rate is decreased. 4559  
If the county school financing district tax is repealed pursuant 4560  
to an election under section 5705.261 of the Revised Code, each 4561  
school district may resume levying the property taxes that had 4562  
been reduced at the full rate originally approved by the electors. 4563  
A reduction in the rate of a school district property tax under 4564  
this division is a reduction in the rate at which the board of 4565  
education may levy that tax only for the period during which the 4566

county school financing district tax is levied prior to any 4567  
decrease or repeal under section 5705.261 of the Revised Code. The 4568  
resumption of the authority of the board of education to levy an 4569  
increased or the full rate of tax does not constitute the levying 4570  
of a new tax in excess of the ten-mill limitation. 4571

**Sec. 5705.216.** A board of education that has issued notes in 4572  
anticipation of the proceeds of a permanent improvements levy in 4573  
the maximum amount permitted under division ~~(C)~~(D)(2) or (3) of 4574  
section 5705.21 of the Revised Code or a taxing authority of a 4575  
county school financing district that has issued notes in 4576  
anticipation of the proceeds of a levy in the maximum amount 4577  
permitted under section 5705.215 of the Revised Code may, if the 4578  
proceeds from the issuance of such notes have been spent, 4579  
contracted, or encumbered, apply to the superintendent of public 4580  
instruction for authorization to anticipate a fraction of the 4581  
remaining estimated proceeds of the levy and issue anticipation 4582  
notes for that purpose. The application shall be in such form and 4583  
contain such information as the superintendent considers necessary 4584  
and shall specify the amount of notes to be issued. The amount 4585  
shall not exceed the following: 4586

(A) In the case of a school district: 4587

(1) For levies described under division ~~(C)~~(D)(2) of section 4588  
5705.21 of the Revised Code, the amount by which the total 4589  
estimated proceeds of the levy remaining to be collected 4590  
throughout its life exceeds the amount from such proceeds required 4591  
to pay the principal and interest on notes issued under section 4592  
5705.21 of the Revised Code and the interest on any notes issued 4593  
under this section; 4594

(2) For levies described under division ~~(C)~~(D)(3) of section 4595  
5705.21 of the Revised Code, the amount by which the total 4596  
estimated proceeds of the levy remaining to be collected over the 4597

specified number of years authorized for the issuance of the notes 4598  
exceeds the amount from such proceeds required to pay the 4599  
principal and interest on notes issued under section 5705.21 of 4600  
the Revised Code and the interest on any notes issued under this 4601  
section. 4602

(B) In the case of a county school financing district, the 4603  
amount by which the total estimated proceeds of the levy remaining 4604  
to be collected for the first five years of its life exceed the 4605  
amount from such proceeds required to pay the principal and 4606  
interest on notes issued under section 5705.215 of the Revised 4607  
Code and the interest on any notes issued under this section. 4608

The superintendent shall examine the application and any 4609  
other relevant information submitted and shall determine and 4610  
certify the maximum amount of notes the district may issue under 4611  
this section, which may be an amount less than the amount 4612  
requested by the district. 4613

If the superintendent determines that the anticipated 4614  
proceeds from the levy may be significantly less than expected and 4615  
that additional notes should not be issued, ~~he~~ the superintendent 4616  
may deny the application and give written notice of the denial to 4617  
the president of the district's board of education or the taxing 4618  
authority. 4619

Such notes shall be sold in the same manner as notes issued 4620  
under section 5705.21 or 5705.215 of the Revised Code. 4621

**Sec. 5705.218.** (A) The board of education of a city, local, 4622  
or exempted village school district, at any time by a vote of 4623  
two-thirds of all its members, may declare by resolution that it 4624  
may be necessary for the school district to issue general 4625  
obligation bonds for permanent improvements. The resolution shall 4626  
state all of the following: 4627

- (1) The necessity and purpose of the bond issue; 4628
- (2) The date of the special election at which the question 4629  
shall be submitted to the electors; 4630
- (3) The amount, approximate date, estimated rate of interest, 4631  
and maximum number of years over which the principal of the bonds 4632  
may be paid; 4633
- (4) The necessity of levying a tax outside the ten-mill 4634  
limitation to pay debt charges on the bonds and any anticipatory 4635  
securities. 4636
- On adoption of the resolution, the board shall certify a copy 4637  
of it to the county auditor. The county auditor promptly shall 4638  
estimate and certify to the board the average annual property tax 4639  
rate required throughout the stated maturity of the bonds to pay 4640  
debt charges on the bonds, in the same manner as under division 4641  
(C) of section 133.18 of the Revised Code. 4642
- (B) After receiving the county auditor's certification under 4643  
division (A) of this section, the board of education of the city, 4644  
local, or exempted village school district, by a vote of 4645  
two-thirds of all its members, may declare by resolution that the 4646  
amount of taxes that can be raised within the ten-mill limitation 4647  
will be insufficient to provide an adequate amount for the present 4648  
and future requirements of the school district; that it is 4649  
necessary to issue general obligation bonds of the school district 4650  
for permanent improvements and to levy an additional tax in excess 4651  
of the ten-mill limitation to pay debt charges on the bonds and 4652  
any anticipatory securities; that it is necessary for a specified 4653  
number of years or for a continuing period of time to levy 4654  
additional taxes in excess of the ten-mill limitation to provide 4655  
funds for the acquisition, construction, enlargement, renovation, 4656  
and financing of permanent improvements or to pay for current 4657  
operating expenses, or both; and that the question of the bonds 4658

and taxes shall be submitted to the electors of the school 4659  
district at a special election, which shall not be earlier than 4660  
ninety days after certification of the resolution to the board of 4661  
elections, and the date of which shall be consistent with section 4662  
3501.01 of the Revised Code. The resolution shall specify all of 4663  
the following: 4664

(1) The county auditor's estimate of the average annual 4665  
property tax rate required throughout the stated maturity of the 4666  
bonds to pay debt charges on the bonds; 4667

(2) The proposed rate of the tax, if any, for current 4668  
operating expenses, the first year the tax will be levied, and the 4669  
number of years it will be levied, or that it will be levied for a 4670  
continuing period of time; 4671

(3) The proposed rate of the tax, if any, for permanent 4672  
improvements, the first year the tax will be levied, and the 4673  
number of years it will be levied, or that it will be levied for a 4674  
continuing period of time. 4675

The resolution shall apportion the annual rate of the tax 4676  
between current operating expenses and permanent improvements, if 4677  
both taxes are proposed. The apportionment may but need not be the 4678  
same for each year of the tax, but the respective portions of the 4679  
rate actually levied each year for current operating expenses and 4680  
permanent improvements shall be limited by the apportionment. The 4681  
resolution shall go into immediate effect upon its passage, and no 4682  
publication of it is necessary other than that provided in the 4683  
notice of election. The board of education shall certify a copy of 4684  
the resolution, along with copies of the auditor's estimate and 4685  
its resolution under division (A) of this section, to the board of 4686  
elections immediately after its adoption. 4687

(C) The board of elections shall make the arrangements for 4688  
the submission ~~of the question~~ to the electors of the school 4689

district of the question proposed under division (B) or (J) of 4690  
this section, and the election shall be conducted, canvassed, and 4691  
certified in the same manner as regular elections in the district 4692  
for the election of county officers. The resolution shall be put 4693  
before the electors as one ballot question, with a favorable vote 4694  
indicating approval of the bond issue, the levy to pay debt 4695  
charges on the bonds and any anticipatory securities, the current 4696  
operating expenses levy, ~~and~~ the permanent improvements levy, ~~if~~ 4697  
~~either or both levies are~~ and the levy for the current expenses of 4698  
a municipal school district and of partnering community schools, 4699  
as those levies may be proposed. The board of elections shall 4700  
publish notice of the election in a newspaper of general 4701  
circulation in the school district once a week for two consecutive 4702  
weeks, or as provided in section 7.16 of the Revised Code, prior 4703  
to the election. If a board of elections operates and maintains a 4704  
web site, that board also shall post notice of the election on its 4705  
web site for thirty days prior to the election. The notice of 4706  
election shall state all of the following: 4707

(1) The principal amount of the proposed bond issue; 4708

(2) The permanent improvements for which the bonds are to be 4709  
issued; 4710

(3) The maximum number of years over which the principal of 4711  
the bonds may be paid; 4712

(4) The estimated additional average annual property tax rate 4713  
to pay the debt charges on the bonds, as certified by the county 4714  
auditor; 4715

(5) The proposed rate of the additional tax, if any, for 4716  
current operating expenses and, if the question is proposed under 4717  
division (J) of this section, the portion of the rate to be 4718  
allocated to the school district and the portion to be allocated 4719  
to partnering community schools; 4720



(6) The number of years the current operating expenses tax will be in effect, or that it will be in effect for a continuing period of time; 4721  
4722  
4723

(7) The proposed rate of the additional tax, if any, for permanent improvements; 4724  
4725

(8) The number of years the permanent improvements tax will be in effect, or that it will be in effect for a continuing period of time; 4726  
4727  
4728

(9) The time and place of the special election. 4729

(D) The form of the ballot for an election under this section is as follows: 4730  
4731

"Shall the ..... school district be authorized to do the following: 4732  
4733

(1) Issue bonds for the purpose of ..... in the principal amount of \$....., to be repaid annually over a maximum period of ..... years, and levy a property tax outside the ten-mill limitation, estimated by the county auditor to average over the bond repayment period ..... mills for each one dollar of tax valuation, which amounts to ..... (rate expressed in cents or dollars and cents, such as "36 cents" or "\$1.41") for each \$100 of tax valuation, to pay the annual debt charges on the bonds, and to pay debt charges on any notes issued in anticipation of those bonds?" 4734  
4735  
4736  
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If either a levy for permanent improvements or a levy for current operating expenses is proposed, or both are proposed, the ballot also shall contain the following language, as appropriate: 4744  
4745  
4746

"(2) Levy an additional property tax to provide funds for the acquisition, construction, enlargement, renovation, and financing of permanent improvements at a rate not exceeding ..... mills for each one dollar of tax valuation, which amounts to ..... 4747  
4748  
4749  
4750

(rate expressed in cents or dollars and cents) for each \$100 of 4751  
tax valuation, for ..... (number of years of the levy, or a 4752  
continuing period of time)? 4753

(3) Levy an additional property tax to pay current operating 4754  
expenses at a rate not exceeding ..... mills for each one dollar 4755  
of tax valuation, which amounts to ..... (rate expressed in 4756  
cents or dollars and cents) for each \$100 of tax valuation, for 4757  
..... (number of years of the levy, or a continuing period of 4758  
time)? 4759

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

"

4760  
4761  
4762  
4763  
If the question is proposed under division (J) of this 4764  
section, the form of the ballot shall be modified as prescribed by 4765  
division (J)(4) of this section. 4766

(E) The board of elections promptly shall certify the results 4767  
of the election to the tax commissioner and the county auditor of 4768  
the county in which the school district is located. If a majority 4769  
of the electors voting on the question vote for it, the board of 4770  
education may proceed with issuance of the bonds and with the levy 4771  
and collection of the property tax or taxes at the additional rate 4772  
or any lesser rate in excess of the ten-mill limitation. Any 4773  
securities issued by the board of education under this section are 4774  
Chapter 133. securities, as that term is defined in section 133.01 4775  
of the Revised Code. 4776

(F)(1) After the approval of a tax for current operating 4777  
expenses under this section and prior to the time the first 4778  
collection and distribution from the levy can be made, the board 4779  
of education may anticipate a fraction of the proceeds of such 4780  
levy and issue anticipation notes in a principal amount not 4781

exceeding fifty per cent of the total estimated proceeds of the 4782  
tax to be collected during the first year of the levy. 4783

(2) After the approval of a tax under this section for 4784  
permanent improvements having a specific purpose, the board of 4785  
education may anticipate a fraction of the proceeds of such tax 4786  
and issue anticipation notes in a principal amount not exceeding 4787  
fifty per cent of the total estimated proceeds of the tax 4788  
remaining to be collected in each year over a period of five years 4789  
after issuance of the notes. 4790

(3) After the approval of a tax for general, on-going 4791  
permanent improvements under this section, the board of education 4792  
may anticipate a fraction of the proceeds of such tax and issue 4793  
anticipation notes in a principal amount not exceeding fifty per 4794  
cent of the total estimated proceeds of the tax to be collected in 4795  
each year over a specified period of years, not exceeding ten, 4796  
after issuance of the notes. 4797

Anticipation notes under this section shall be issued as 4798  
provided in section 133.24 of the Revised Code. Notes issued under 4799  
division (F)(1) or (2) of this section shall have principal 4800  
payments during each year after the year of their issuance over a 4801  
period not to exceed five years, and may have a principal payment 4802  
in the year of their issuance. Notes issued under division (F)(3) 4803  
of this section shall have principal payments during each year 4804  
after the year of their issuance over a period not to exceed ten 4805  
years, and may have a principal payment in the year of their 4806  
issuance. 4807

(G) A tax for current operating expenses or for permanent 4808  
improvements levied under this section for a specified number of 4809  
years may be renewed or replaced in the same manner as a tax for 4810  
current operating expenses or for permanent improvements levied 4811  
under section 5705.21 of the Revised Code. A tax for current 4812  
operating expenses or for permanent improvements levied under this 4813

section for a continuing period of time may be decreased in 4814  
accordance with section 5705.261 of the Revised Code. 4815

(H) The submission of a question to the electors under this 4816  
section is subject to the limitation on the number of elections 4817  
that can be held in a year under section 5705.214 of the Revised 4818  
Code. 4819

(I) A school district board of education proposing a ballot 4820  
measure under this section to generate local resources for a 4821  
project under the school building assistance expedited local 4822  
partnership program under section 3318.36 of the Revised Code may 4823  
combine the questions under division (D) of this section with a 4824  
question for the levy of a property tax to generate moneys for 4825  
maintenance of the classroom facilities acquired under that 4826  
project as prescribed in section 3318.361 of the Revised Code. 4827

(J)(1) After receiving the county auditor's certification 4828  
under division (A) of this section, the board of education of a 4829  
municipal school district, by a vote of two-thirds of all its 4830  
members, may declare by resolution that it is necessary to levy a 4831  
tax in excess of the ten-mill limitation for the purpose of paying 4832  
the current expenses of the school district and of partnering 4833  
community schools, as defined in section 5705.21 of the Revised 4834  
Code; that it is necessary to issue general obligation bonds of 4835  
the school district for permanent improvements of the district and 4836  
to levy an additional tax in excess of the ten-mill limitation to 4837  
pay debt charges on the bonds and any anticipatory securities; and 4838  
that the question of the bonds and taxes shall be submitted to the 4839  
electors of the school district at a special election, which shall 4840  
not be earlier than ninety days after certification of the 4841  
resolution to the board of elections, and the date of which shall 4842  
be consistent with section 3505.01 of the Revised Code. 4843

The levy of taxes for the current expenses of a partnering 4844  
community school under division (J) of this section and the 4845

distribution of proceeds from the tax by a municipal school 4846  
district to partnering community schools is hereby determined to 4847  
be a proper public purpose. 4848

(2) The tax for the current expenses of the school district 4849  
and of partnering community schools is subject to the requirements 4850  
of divisions (B)(3), (4), and (5) of section 5705.21 of the 4851  
Revised Code. 4852

(3) In addition to the required specifications of the 4853  
resolution under division (B) of this section, the resolution 4854  
shall express the rate of the tax in mills per dollar of taxable 4855  
value, state the number of the mills to be levied for the current 4856  
expenses of the partnering community schools and the number of the 4857  
mills to be levied for the current expenses of the school 4858  
district, specify the number of years (not exceeding ten) the tax 4859  
will be levied or that it will be levied for a continuing period 4860  
of time, and state the first year the tax will be levied. 4861

The resolution shall go into immediate effect upon its 4862  
passage, and no publication of it is necessary other than that 4863  
provided in the notice of election. The board of education shall 4864  
certify a copy of the resolution, along with copies of the 4865  
auditor's estimate and its resolution under division (A) of this 4866  
section, to the board of elections immediately after its adoption. 4867

(4) The form of the ballot shall be modified by replacing the 4868  
ballot form set forth in division (D)(3) of this section with the 4869  
following: 4870

"Levy an additional property tax for the purpose of the 4871  
current expenses of the school district and of partnering 4872  
community schools at a rate not exceeding ..... (insert the 4873  
number of mills) mills for each one dollar of valuation (of which 4874  
..... (insert the number of mills to be allocated to partnering 4875  
community schools) mills is to be allocated to partnering 4876

community schools), which amounts to ..... (insert the rate 4877  
expressed in dollars and cents) for each one hundred dollars of 4878  
valuation, for ..... (insert the number of years the levy is to 4879  
be imposed, or that it will be levied for a continuing period of 4880  
time)? 4881

	<u>FOR THE BOND ISSUE AND LEVY (OR LEVIES)</u>		4882
	<u>AGAINST THE BOND ISSUE AND LEVY (OR LEVIES)</u>	<u>"</u>	4883
			4884

(5) After the approval of a tax for the current expenses of 4885  
the school district and of partnering community schools under 4886  
division (J) of this section, and prior to the time the first 4887  
collection and distribution from the levy can be made, the board 4888  
of education may anticipate a fraction of the proceeds of the levy 4889  
for the current expenses of the school district and issue 4890  
anticipation notes in a principal amount not exceeding fifty per 4891  
cent of the estimated proceeds of the levy to be collected during 4892  
the first year of the levy and allocated to the school district. 4893  
The portion of levy proceeds to be allocated to partnering 4894  
community schools shall not be included in the estimated proceeds 4895  
anticipated under this division and shall not be used to pay debt 4896  
charges on any anticipation notes. 4897

The notes shall be issued as provided in section 133.24 of 4898  
the Revised Code, shall have principal payments during each year 4899  
after the year of their issuance over a period not to exceed five 4900  
years, and may have a principal payment in the year of their 4901  
issuance. 4902

(6) A tax for the current expenses of the school district and 4903  
of partnering community schools levied under division (J) of this 4904  
section for a specified number of years may be renewed or replaced 4905  
in the same manner as a tax for the current expenses of a school 4906  
district and of partnering community schools levied under division 4907  
(B) of section 5705.21 of the Revised Code. A tax for the current 4908

expenses of the school district and of partnering community 4909  
schools levied under this division for a continuing period of time 4910  
may be decreased in accordance with section 5705.261 of the 4911  
Revised Code. 4912

(7) The proceeds from the issuance of the general obligation 4913  
bonds under division (J) of this section shall be used solely to 4914  
pay for permanent improvements of the school district and not for 4915  
permanent improvements of partnering community schools. 4916

**Sec. 5705.251.** (A) A copy of a resolution adopted under 4917  
section 5705.212 or 5705.213 of the Revised Code shall be 4918  
certified by the board of education to the board of elections of 4919  
the proper county not less than ninety days before the date of the 4920  
election specified in the resolution, and the board of elections 4921  
shall submit the proposal to the electors of the school district 4922  
at a special election to be held on that date. The board of 4923  
elections shall make the necessary arrangements for the submission 4924  
of the question or questions to the electors of the school 4925  
district, and the election shall be conducted, canvassed, and 4926  
certified in the same manner as regular elections in the school 4927  
district for the election of county officers. Notice of the 4928  
election shall be published in a newspaper of general circulation 4929  
in the subdivision once a week for two consecutive weeks, or as 4930  
provided in section 7.16 of the Revised Code, prior to the 4931  
election. If the board of elections operates and maintains a web 4932  
site, the board of elections shall post notice of the election on 4933  
its web site for thirty days prior to the election. 4934

(1) In the case of a resolution adopted under section 4935  
5705.212 of the Revised Code, the notice shall state separately, 4936  
for each tax being proposed, the purpose; the proposed increase in 4937  
rate, expressed in dollars and cents for each one hundred dollars 4938  
of valuation as well as in mills for each one dollar of valuation; 4939

the number of years during which the increase will be in effect; 4940  
and the first calendar year in which the tax will be due. For an 4941  
election on the question of a renewal levy, the notice shall state 4942  
the purpose; the proposed rate, expressed in dollars and cents for 4943  
each one hundred dollars of valuation as well as in mills for each 4944  
one dollar of valuation; and the number of years the tax will be 4945  
in effect. If the resolution is adopted under division (C) of that 4946  
section, the rate of each tax being proposed shall be expressed as 4947  
both the total rate and the portion of the total rate to be 4948  
allocated to the municipal school district and the portion to be 4949  
allocated to partnering community schools. 4950

(2) In the case of a resolution adopted under section 4951  
5705.213 of the Revised Code, the notice shall state the purpose; 4952  
the amount proposed to be raised by the tax in the first year it 4953  
is levied; the estimated average additional tax rate for the first 4954  
year it is proposed to be levied, expressed in mills for each one 4955  
dollar of valuation and in dollars and cents for each one hundred 4956  
dollars of valuation; the number of years during which the 4957  
increase will be in effect; and the first calendar year in which 4958  
the tax will be due. The notice also shall state the amount by 4959  
which the amount to be raised by the tax may be increased in each 4960  
year after the first year. The amount of the allowable increase 4961  
may be expressed in terms of a dollar increase over, or a 4962  
percentage of, the amount raised by the tax in the immediately 4963  
preceding year. For an election on the question of a renewal levy, 4964  
the notice shall state the purpose; the amount proposed to be 4965  
raised by the tax; the estimated tax rate, expressed in mills for 4966  
each one dollar of valuation and in dollars and cents for each one 4967  
hundred dollars of valuation; and the number of years the tax will 4968  
be in effect. 4969

In any case, the notice also shall state the time and place 4970  
of the election. 4971



(B)(1) The form of the ballot in an election on taxes 4972  
proposed under section 5705.212 of the Revised Code shall be as 4973  
follows: 4974

"Shall the ..... school district be authorized to levy 4975  
taxes for current expenses, the aggregate rate of which may 4976  
increase in ..... (number) increment(s) of not more than ..... 4977  
mill(s) for each dollar of valuation, from an original rate of 4978  
..... mill(s) for each dollar of valuation, which amounts to 4979  
..... (rate expressed in dollars and cents) for each one hundred 4980  
dollars of valuation, to a maximum rate of ..... mill(s) for each 4981  
dollar of valuation, which amounts to ..... (rate expressed in 4982  
dollars and cents) for each one hundred dollars of valuation? The 4983  
original tax is first proposed to be levied in ..... (the first 4984  
year of the tax), and the incremental tax in ..... (the first 4985  
year of the increment) (if more than one incremental tax is 4986  
proposed in the resolution, the first year that each incremental 4987  
tax is proposed to be levied shall be stated in the preceding 4988  
format, and the increments shall be referred to as the first, 4989  
second, third, or fourth increment, depending on their number). 4990  
The aggregate rate of tax so authorized will ..... (insert 4991  
either, "expire with the original rate of tax which shall be in 4992  
effect for ..... years" or "be in effect for a continuing period 4993  
of time"). 4994

	FOR THE TAX LEVIES
	AGAINST THE TAX LEVIES

"

4995  
4996  
4997  
4998  
If the tax is proposed by a municipal school district under 4999  
division (C)(1) of section 5705.212 of the Revised Code, the form 5000  
of the ballot shall be modified by adding, after the phrase "each 5001  
dollar of valuation," the following: "(of which ..... mills is to 5002  
be allocated to partnering community schools)." 5003

(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 partnering 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 partnering 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 partnering community schools. If the total rate is to be decreased, the form of the ballot shall state that the proposal is to renew a part of the existing tax and shall state the reduction in rate, the total rate resulting from the decrease, and, of that rate, the portion of the rate to be allocated to partnering community schools.

(3) If a tax proposed by a ballot form prescribed in division (B)(1) or (2) of this section 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)."

(C) The form of the ballot in an election on a tax proposed under section 5705.213 of the Revised Code shall be as follows:

"Shall the ..... school district be authorized to levy the following tax for current expenses? The tax will first be levied in ..... (year) to raise ..... (dollars). In the ..... (number of years) following years, the tax will increase by not more than ..... (per cent or dollar amount of increase) each year, so that, during ..... (last year of the tax), the tax will raise approximately ..... (dollars). The county auditor estimates that the rate of the tax per dollar of valuation will be ..... mill(s), which amounts to \$...... per one hundred dollars of valuation, both during ..... (first year of the tax) and ..... mill(s), which amounts to \$...... per one hundred dollars of valuation, during ..... (last year of the tax). The tax will not be levied after ..... (year).

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

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 5066  
dollar of valuation, which amounts to ..... (rate expressed in 5067  
dollars and cents) for each one hundred dollars of valuation? The 5068  
tax shall be in effect for ..... (the number of years the levy 5069  
shall be in effect, or a continuing period of time). 5070

	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

5071  
5072  
5073  
5074

If the tax is to be placed on the current tax list, the form 5075  
of the ballot shall be modified by adding, after the statement of 5076  
the number of years the levy is to be in effect, the phrase ", 5077  
commencing in ..... (first year the tax is to be levied), 5078  
first due in calendar year ..... (first calendar year in 5079  
which the tax shall be due)." 5080

(D) The question covered by a resolution adopted under 5081  
section 5705.212 or 5705.213 of the Revised Code shall be 5082  
submitted as a separate question, but may be printed on the same 5083  
ballot with any other question submitted at the same election, 5084  
other than the election of officers. More than one question may be 5085  
submitted at the same election. 5086

(E) Taxes voted in excess of the ten-mill limitation under 5087  
division (B) or (C) of this section shall be certified to the tax 5088  
commissioner. If an additional tax is to be placed upon the tax 5089  
list of the current year, as specified in the resolution providing 5090  
for its submission, the result of the election shall be certified 5091  
immediately after the canvass by the board of elections to the 5092  
board of education. The board of education immediately shall make 5093  
the necessary levy and certify it to the county auditor, who shall 5094  
extend it on the tax list for collection. After the first year, 5095  
the levy shall be included in the annual tax budget that is 5096

certified to the county budget commission. 5097

**Sec. 5705.261.** The question of decrease of an increased rate 5098  
of levy approved for a continuing period of time by the voters of 5099  
a subdivision may be initiated by the filing of a petition with 5100  
the board of elections of the proper county not less than ninety 5101  
days before the general election in any year requesting that an 5102  
election be held on such question. Such petition shall state the 5103  
amount of the proposed decrease in the rate of levy and shall be 5104  
signed by qualified electors residing in the subdivision equal in 5105  
number to at least ten per cent of the total number of votes cast 5106  
in the subdivision for the office of governor at the most recent 5107  
general election for that office. Only one such petition may be 5108  
filed during each five-year period following the election at which 5109  
the voters approved the increased rate for a continuing period of 5110  
time. 5111

After determination by it that such petition is valid, the 5112  
board of elections shall submit the question to the electors of 5113  
the district at the succeeding general election. The election 5114  
shall be conducted, canvassed, and certified in the same manner as 5115  
regular elections in such subdivision for county offices. Notice 5116  
of the election shall be published in a newspaper of general 5117  
circulation in the district once a week for two consecutive weeks, 5118  
or as provided in section 7.16 of the Revised Code, prior to the 5119  
election. If the board of elections operates and maintains a web 5120  
site, the board of elections shall post notice of the election on 5121  
its web site for thirty days prior to the election. The notice 5122  
shall state the purpose, the amount of the proposed decrease in 5123  
rate, and the time and place of the election. The form of the 5124  
ballot cast at such election shall be prescribed by the secretary 5125  
of state. The question covered by such petition shall be submitted 5126  
as a separate proposition but it may be printed on the same ballot 5127  
with any other propositions submitted at the same election other 5128

than the election of officers. If a majority of the qualified 5129  
electors voting on the question of a decrease at such election 5130  
approve the proposed decrease in rate, the result of the election 5131  
shall be certified immediately after the canvass by the board of 5132  
elections to the subdivision's taxing authority, which shall 5133  
thereupon, after the current year, cease to levy such increased 5134  
rate or levy such tax at such reduced rate upon the duplicate of 5135  
the subdivision. If notes have been issued in anticipation of the 5136  
collection of such levy, the taxing authority shall continue to 5137  
levy and collect under authority of the election authorizing the 5138  
original levy such amounts as will be sufficient to pay the 5139  
principal of and interest on such anticipation notes as the same 5140  
fall due. 5141

In the case of a levy for the current expenses of a municipal 5142  
school district and of partnering community schools imposed under 5143  
section 5705.192, division (B) of section 5705.21, division (C) of 5144  
section 5705.212, or division (J) of section 5705.218 of the 5145  
Revised Code for a continuing period of time, the rate allocated 5146  
to the school district and to partnering community schools shall 5147  
each be decreased by a number of mills per dollar that is 5148  
proportionate to the decrease in the rate of the levy in 5149  
proportion to the rate at which the levy was imposed before the 5150  
decrease. 5151

**Sec. 5748.01.** As used in this chapter: 5152

(A) "School district income tax" means an income tax adopted 5153  
under one of the following: 5154

(1) Former section 5748.03 of the Revised Code as it existed 5155  
prior to its repeal by Amended Substitute House Bill No. 291 of 5156  
the 115th general assembly; 5157

(2) Section 5748.03 of the Revised Code as enacted in 5158  
Substitute Senate Bill No. 28 of the 118th general assembly; 5159

(3) Section 5748.08 of the Revised Code as enacted in Amended Substitute Senate Bill No. 17 of the 122nd general assembly;	5160 5161
(4) Section 5748.021 of the Revised Code;	5162
(5) Section 5748.081 of the Revised Code;	5163
(6) Section 5748.09 of the Revised Code.	5164
(B) "Individual" means an individual subject to the tax levied by section 5747.02 of the Revised Code.	5165 5166
(C) "Estate" means an estate subject to the tax levied by section 5747.02 of the Revised Code.	5167 5168
(D) "Taxable year" means a taxable year as defined in division (M) of section 5747.01 of the Revised Code.	5169 5170
(E) "Taxable income" means:	5171
(1) In the case of an individual, one of the following, as specified in the resolution imposing the tax:	5172 5173
(a) Ohio adjusted gross income for the taxable year as defined in division (A) of section 5747.01 of the Revised Code, less the exemptions provided by section 5747.02 of the Revised Code;	5174 5175 5176 5177
(b) Wages, salaries, tips, and other employee compensation to the extent included in Ohio adjusted gross income as defined in section 5747.01 of the Revised Code, and net earnings from self-employment, as defined in section 1402(a) of the Internal Revenue Code, to the extent included in Ohio adjusted gross income.	5178 5179 5180 5181 5182 5183
(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.	5184 5185 5186
(F) "Resident" of the school district means:	5187
(1) An individual who is a resident of this state as defined	5188

in division (I) of section 5747.01 of the Revised Code during all 5189  
or a portion of the taxable year and who, during all or a portion 5190  
of such period of state residency, is domiciled in the school 5191  
district or lives in and maintains a permanent place of abode in 5192  
the school district; 5193

(2) An estate of a decedent who, at the time of death, was 5194  
domiciled in the school district. 5195

(G) "School district income" means: 5196

(1) With respect to an individual, the portion of the taxable 5197  
income of an individual that is received by the individual during 5198  
the portion of the taxable year that the individual is a resident 5199  
of the school district and the school district income tax is in 5200  
effect in that school district. An individual may have school 5201  
district income with respect to more than one school district. 5202

(2) With respect to an estate, the taxable income of the 5203  
estate for the portion of the taxable year that the school 5204  
district income tax is in effect in that school district. 5205

(H) "Taxpayer" means an individual or estate having school 5206  
district income upon which a school district income tax is 5207  
imposed. 5208

(I) "School district purposes" means any of the purposes for 5209  
which a tax may be levied pursuant to division (A) of section 5210  
5705.21 of the Revised Code, including the combined purposes 5211  
authorized by section 5705.217 of the Revised Code. 5212

**Section 2.** That existing sections 124.36, 2903.13, 2921.02, 5213  
3302.03, 3302.04, 3302.061, 3307.01, 3311.71, 3311.72, 3311.74, 5214  
3311.76, 3313.975, 3314.10, 3316.07, 3319.02, 3319.071, 3319.10, 5215  
3319.112, 3319.12, 3319.13, 3319.14, 3319.141, 3319.143, 3319.151, 5216  
3319.18, 3319.283, 4141.29, 5705.192, 5705.21, 5705.212, 5705.215, 5217  
5705.216, 5705.218, 5705.251, 5705.261, and 5748.01 of the Revised 5218



Code are hereby repealed. 5219

**Section 3.** The amendment by this act of sections 5705.192, 5220  
5705.21, 5705.212, 5705.215, 5705.216, 5705.218, 5705.251, 5221  
5705.261, and 5748.01 of the Revised Code apply to any proceedings 5222  
commenced after their effective date, and, so far as their 5223  
provisions support the actions taken, also apply to any 5224  
proceedings that on their effective date are pending, in progress, 5225  
or completed, to any elections authorized, conducted, or 5226  
certified, and to securities authorized or issued pursuant to 5227  
those proceedings, notwithstanding any law, resolution, ordinance, 5228  
order, advertisement, notice, or other proceeding in effect before 5229  
their effective date. Any proceedings pending or in progress on, 5230  
or completed by or before, the effective date of those amendments, 5231  
elections authorized, conducted, or certified, and securities 5232  
sold, issued, and delivered, or validated, pursuant to those 5233  
proceedings, shall be deemed to have been taken, authorized, 5234  
conducted, certified, sold, issued, delivered, or validated in 5235  
conformity with those amendments so far as their provisions 5236  
support the actions taken, and are hereby ratified and confirmed. 5237

The amendment by this act of sections 5705.192, 5705.21, 5238  
5705.212, 5705.215, 5705.216, 5705.218, 5705.251, 5705.261, and 5239  
5748.01 of the Revised Code provide additional or supplemental 5240  
provisions for subject matter that may also be the subject of 5241  
other laws, and is intended to be supplemental to, and not in 5242  
derogation of, any similar authority provided by, derived from, or 5243  
implied by, the Constitution of Ohio, or any other law, including 5244  
laws amended by this act, or any charter, order, resolution, or 5245  
ordinance; and those amendments to sections 5705.192, 5705.21, 5246  
5705.212, 5705.215, 5705.216, 5705.218, 5705.251, 5705.261, and 5247  
5748.01 of the Revised Code shall not be interpreted to negate the 5248  
authority provided by, derived from, or implied by such 5249  
Constitution of Ohio, laws, charters, orders, resolutions, or 5250

ordinances. 5251

The provisions of law enacted, amended, or repealed by this 5252

act, as existed prior to the act's effective date, shall be deemed 5253

to remain applicable to any actions taken, including any election 5254

held or any securities issued pursuant to or in reliance on them. 5255