

As Introduced

**126th General Assembly
Regular Session
2005-2006**

S. B. No. 46

Senator Mallory

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A BILL

To amend section 3311.71 of the Revised Code to
require that management and control of any school
district that has an average daily membership
exceeding forty thousand students, has a
relatively high poverty index, and has been in
academic emergency at least one of the four
previous school years be assumed by a nine-member
board of education appointed by the mayor of the
municipal corporation containing the greatest
portion of the district's territory.

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

Section 1. That section 3311.71 of the Revised Code be
amended to read as follows:

Sec. 3311.71. (A) As used in this section and in sections
3311.72 to 3311.77 of the Revised Code:

(1) "Municipal school district" means ~~a~~ either of the
following:

(a) A school district that is or has ever been under a
federal court order requiring supervision and operational, fiscal,
and personnel management of the district by the state
superintendent of public instruction;

(b) A school district, other than a district described in 21
division (A)(1)(a) of this section, for which all of the following 22
conditions are satisfied: 23

(i) The district's "formula ADM," as defined in section 24
3317.02 of the Revised Code, on the effective date of this 25
amendment is greater than forty thousand students; 26

(ii) The district's "DPIA index," calculated for fiscal year 27
2003 using the methods prescribed in the version of section 28
3317.029 of the Revised Code in effect for that fiscal year, was 29
greater than 2.75; 30

(iii) The district was declared to be in a state of academic 31
emergency under section 3302.03 of the Revised Code in at least 32
one of the four school years prior to the effective date of this 33
amendment. 34

A school district that satisfies the conditions prescribed in 35
division (A)(1)(b) of this section and accordingly becomes a 36
municipal school district shall continue to be a municipal school 37
district regardless of subsequent changes in the district's 38
formula ADM, DPIA index, or academic performance rating. 39

(2) "Mayor" means the mayor of the municipal corporation in 40
which a municipal school district has territory or, if the 41
district has territory in more than one municipal corporation, the 42
mayor of the municipal corporation containing the greatest portion 43
of a ~~municipal school~~ the district's territory. 44

(B) Whenever any municipal school district is released by a 45
federal court from an order requiring supervision and operational, 46
fiscal, and personnel management of the district by the state 47
superintendent, the management and control of that district shall 48
be assumed, effective immediately, by a new nine-member board of 49
education. ~~Members~~ The management and control of a municipal 50
school district described in division (A)(1)(b) of this section 51

shall be assumed by a new nine-member board of education sixty 52
days after the effective date of this amendment. In each case, 53
members of the new board shall be appointed by the mayor, who 54
shall also designate one member as the chairperson of the board. 55
In addition to the rights, authority, and duties conferred upon 56
the chairperson by sections 3311.71 to 3311.76 of the Revised 57
Code, the chairperson shall have all the rights, authority, and 58
duties conferred upon the president of a board of education by the 59
Revised Code that are not inconsistent with sections 3311.71 to 60
3311.76 of the Revised Code. 61

(C) No school board member shall be appointed by the mayor 62
pursuant to division (B) of this section until the mayor has 63
received a slate of at least eighteen candidates nominated by a 64
municipal school district nominating panel. If the municipal 65
school district has territory outside of one municipal 66
corporation, at least three of ~~whom~~ the candidates shall reside in 67
the municipal school district but not in the municipal corporation 68
containing the greatest portion of the district's territory. The 69
municipal school district nominating panel shall be initially 70
convened and chaired by the state superintendent of public 71
instruction, who shall serve as a nonvoting member for the first 72
two years of the panel's existence, and shall consist of eleven 73
persons selected as follows: 74

(1) Three parents or guardians of children attending the 75
schools of the municipal school district appointed by the district 76
parent-teacher association, or similar organization selected by 77
the state superintendent; 78

(2) Three persons appointed by the mayor; 79

(3) One person appointed by the president of the legislative 80
body of the municipal corporation containing the greatest portion 81
of the municipal school district's territory; 82

(4) One teacher appointed by the collective bargaining representative of the school district's teachers;	83 84
(5) One principal appointed through a vote of the school district's principals, which vote shall be conducted by the state superintendent;	85 86 87
(6) One representative of the business community appointed by an organized collective business entity selected by the mayor;	88 89
(7) One president of a public or private institution of higher education located within the municipal school district appointed by the state superintendent of public instruction.	90 91 92
The municipal school district nominating panel shall select one of its members as its chairperson commencing two years after the date of the first meeting of the panel, at which time the state superintendent of public instruction shall no longer convene or chair the panel. Thereafter, the panel shall meet as necessary to make nominations at the call of the chairperson. All members of the panel shall serve at the pleasure of the appointing authority. Vacancies on the panel shall be filled in the same manner as the initial appointments.	93 94 95 96 97 98 99 100 101
(D) No individual shall be appointed by the mayor pursuant to division (B) or (F) of this section unless the individual has been nominated by the nominating panel, resides in the school district, and holds no elected public office. At any given time, four of the nine members appointed by the mayor to serve on the board pursuant to either division (B) or (F) of this section shall have displayed, prior to appointment, significant expertise in either the education field, finance, or business management. At <u>If the district has territory outside of one municipal corporation, at all times at least one member of the board shall be an individual who resides in the municipal school district but not in the municipal corporation containing the greatest portion of the</u>	102 103 104 105 106 107 108 109 110 111 112 113

district's territory. 114

(E) The terms of office of all members appointed by the mayor 115
pursuant to division (B) of this section shall expire on the next 116
thirtieth day of June following the referendum election required 117
by section 3311.73 of the Revised Code. The mayor may, with the 118
advice and consent of the nominating panel, remove any member 119
appointed pursuant to that division or division (F) of this 120
section for cause. 121

(F) If the voters of the district approve the continuation of 122
an appointed board at the referendum election required by section 123
3311.73 of the Revised Code, the mayor shall appoint the members 124
of a new board from a slate prepared by the nominating panel in 125
the same manner as the initial board was appointed pursuant to 126
divisions (B), (C), and (D) of this section. Five of the members 127
of the new board shall be appointed to four-year terms and the 128
other four shall be appointed to two-year terms, each term 129
beginning on the first day of July. Thereafter, the mayor shall 130
appoint members to four-year terms in the same manner as described 131
in divisions (B), (C), and (D) of this section. The minimum number 132
of individuals who shall be on the slate prepared by the 133
nominating panel for this purpose shall be at least twice the 134
number of members to be appointed, ~~including~~. If the district has 135
territory outside of one municipal corporation, the slate shall 136
include at least two candidates who reside in the municipal school 137
district but not in the municipal corporation containing the 138
greatest portion of the district's territory. 139

(G) In addition to the nine members appointed by the mayor, 140
the boards appointed pursuant to divisions (B) and (F) of this 141
section shall include the following nonvoting ex officio members: 142

(1) If the main campus of a state university specified in 143
section 3345.011 of the Revised Code is located within the 144
municipal school district, the president of the university or the 145

president's designee;

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

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Section 2. That existing section 3311.71 of the Revised Code
is hereby repealed.

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