



John Rau

## *Bill Analysis*

*Legislative Service Commission*

### **H.B. 217**

125th General Assembly  
(As Introduced)

**Reps. Williams, Hagan, McGregor, Miller, Widowfield, Aslanides, Martin, Allen, Brinkman**

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#### **BILL SUMMARY**

- Prohibits the Ohio School Facilities Commission from prohibiting a school district undertaking a state-assisted classroom facilities project from renovating an existing facility rather than acquiring a comparable facility by new construction as long as certain conditions are satisfied.

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#### **CONTENT AND OPERATION**

State law authorizes several programs administered by the Ohio School Facilities Commission to help school districts construct, repair, or renovate school buildings. The main program, the Classroom Facilities Assistance Program, is intended to eventually permit all districts to receive state money to address all of their respective facilities needs in a single district-wide project. The Commission administers a number of other programs designed to meet the special needs of certain districts, such as low-wealth districts with health and safety problems to remedy, large urban districts, and joint vocational school districts. Most of these programs rely on district relative wealth to determine when a district is eligible to participate and its share of the project cost.

The Commission has a policy to recommend replacement rather than renovation of a facility if the estimated cost of renovation is at least 66% of the estimated cost of new construction. However, the Commission has approved renovation costs in excess of that amount up to 100% of the cost of new construction in special cases.

The bill specifically prohibits the Commission from prohibiting, by guideline, policy, specification, or rule, a school district's use of state funds for renovating an existing facility in lieu of acquiring a comparable facility by new construction, as long as (1) the estimated cost of renovation of the existing facility is not greater than 100% of the estimated cost of new construction of a comparable

facility and (2) the renovated facility when completed will conform to "sound educational practice" (as required under current law) and will have a capacity of at least 350 students (also as required under current law). (R.C. 3318.03(C).)

Recent amendments, enacted since this bill was introduced, may conflict with the bill's provisions. (See **COMMENT**.)

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## **COMMENT**

Am. Sub. H.B. 95 of the 125th General Assembly also addressed facility renovation versus new construction by amending R.C. 3318.03(C), effective September 26, 2003. The amendments in that act authorize (but apparently do not require) the Commission to permit renovation instead of new construction, using project funds up to the estimated cost of new construction, if a school district board determines that an existing facility "has historical value or for other good cause determines that an existing facility should be renovated in lieu of acquiring a comparable facility by new construction," and as long as the Commission determines that other prescribed conditions are satisfied. Those conditions are that the renovated facility when completed (1) will be "operationally efficient," (2) will meet the future needs of the district, (3) conforms to "sound educational practice," and (4) will have a capacity of at least 350 students. The last two of these conditions are also prescribed under the bill.

If enacted, the provisions of this bill would exist side-by-side with the recently enacted H.B. 95 provisions. Whereas the recently enacted H.B. 95 provisions appear to give the Commission discretion to approve or disapprove renovation versus new construction on a case-by-case basis, this bill gives the discretion to the school district boards and generally prohibits the Commission from preventing a district from electing renovation over new construction. The recently enacted provisions of H.B. 95, as well as the provisions proposed in this bill, affect most of the Commission's programs.<sup>1</sup>

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<sup>1</sup> *These provisions likely would not have any effect on the Vocational School Facilities Assistance Program created in 2002. It is similar to the Classroom Facilities Assistance Program but is designed specifically to address the circumstances of joint vocational school districts (JVSD). (See, R.C. 3318.40 to 3318.45, none in the bill.) The vocational program appears to presume that many facilities currently operated by JVSDs will require only renovation. For example, the Commission is required to adopt guidelines to address under what circumstances particular JVSD facilities are adequate to meet the needs of the district notwithstanding the Commission's design manual for JVSDs and under what circumstances such facilities will be renovated rather than replaced. (R.C. 3318.40(F).)*

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**HISTORY**

ACTION	DATE	JOURNAL ENTRY
Introduced	06-10-03	p. 562

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