

Executive	As Passed by the House	As Passed by the Senate	As Reported by Conference Committee
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**SFCCD12 Energy Conservation Measures Secured with Unvoted Bonds**

**R.C. 133.06, 3313.372**

Requires school districts, when applying to SFC for authority to purchase energy conservation measures with unvoted bonds repaid with the estimated savings on energy costs, to report both (1) forgone residual value of materials or equipment replaced by the energy conservation measures and (2) a baseline analysis of actual energy consumption data for the preceding five years (along with other certified cost savings estimates required under current law). (Current law permits a school district to issue bonds to purchase energy conservation improvements without voter approval in an amount up to 9/10 of 1% of the district's tax valuation.)

Requires that a district's report on its monitoring of the approved cost saving measures be submitted annually to SFC, instead of "be made available to the Commission upon request" as under current law.

**Fiscal effect: School districts may incur administrative costs in complying with the additional reporting requirements.**

**R.C. 133.06, 3313.372**

Same as the Executive.

Same as the Executive.

**Fiscal effect: Same as the Executive.**

**R.C. 133.06, 3313.372**

Same as the Executive.

Same as the Executive.

**Fiscal effect: Same as the Executive.**

**R.C. 133.06, 3313.372**

Same as the Executive.

Same as the Executive.

**Fiscal effect: Same as the Executive.**

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<b>SFCCD14 Debarment of Contractors on SFC Projects</b>			
<p><b>R.C. 153.02, 3318.31</b>            Authorizes SFC to request the Director of Administrative Services to debar a contractor from contract awards for SFC projects in the same manner the Director debars contractors from contract awards for public improvements under current law. Authorizes the Director of Administrative Services, upon the Director's own initiative or SFC request, to debar a contractor from contract awards for SFC projects.</p> <p><b>Fiscal effect: None.</b></p>	<p><b>R.C. 153.02, 3318.31</b>            Same as the Executive.</p> <p><b>Fiscal effect: Same as the Executive.</b></p>	<p><b>R.C. 153.02, 3318.31</b>            Same as the Executive.</p> <p><b>Fiscal effect: Same as the Executive.</b></p>	<p><b>R.C. 153.02, 3318.31</b>            Same as the Executive.</p> <p><b>Fiscal effect: Same as the Executive.</b></p>

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SFCCD17 School Facilities Assistance Rankings

	R.C. 3318.36	R.C. 3318.011, 3318.36, Section 387.70	R.C. 3318.011, 3318.36, Section 387.70
No provision.	No provision.	Specifies that if a school district's tangible personal property valuation (not including public utility personal property) made up 18% or more of its total taxable value for tax year 2005, its three-year "average taxable value" used for computing wealth percentile rankings of school districts for school facilities assistance is only the three-year average of its real property and public utility personal property valuation, rather than the three-year average of the sum of its real property valuation and all of its tangible personal property valuation as under current law.	Same as the Senate.
No provision.	No provision.	Requires ODE to calculate and certify to SFC a new, alternate equity list for use in funding in FY 2012 using the revised definition of "average taxable value."	Same as the Senate.
No provision.	Specifies that the local share of a Classroom Facilities Assistance Program (CFAP) project for a school district that participated in the Expedited Local Partnership Program (ELPP) and whose general business tangible personal property (TPP) valuation made up 18% or more of its total taxable value for TY 2005, be the lesser of (1) the percentage locked in when the district signed the ELPP agreement or (2) the	Same as the House, but specifies that the district's local share be the least of (1), (2), or (3) for a project in 2012, the percentage computed using the alternate equity list.	Same as the Senate.

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	<p>percentage computed using its current wealth percentile rank.</p> <p><b>Fiscal effect: The local share for an eligible school district may be lower and the state share higher.</b></p>	<p><b>Fiscal effect: Same as the House, but some districts may be lower on the alternate equity list and some may be higher in FY 2012. The equity list affects a district's local share and when a district is served under SFC's Classroom Facilities Assistance Program.</b></p>	<p><b>Fiscal effect: Same as the Senate.</b></p>
<b>SFCCD10 Lapse Period for SFC Projects</b>			
<p><b>R.C. 3318.032, 3318.05, 3318.41</b></p> <p>Increases to 13 months (from one year under current law) the period after which the conditional approval of state funding for a school district's classroom facilities construction project lapses if the district voters do not approve within that period a bond issue and tax levy necessary to pay the district's share of the project cost.</p> <p><b>Fiscal effect: Provides districts with the same number of levy opportunities as districts had before H.B. 48 of the 128th G.A. increased the filing deadline from 75 to 90 days.</b></p>	<p><b>R.C. 3318.032, 3318.05, 3318.41</b></p> <p>Same as the Executive.</p> <p><b>Fiscal effect: Same as the Executive.</b></p>	<p><b>R.C. 3318.032, 3318.05, 3318.41</b></p> <p>Same as the Executive.</p> <p><b>Fiscal effect: Same as the Executive.</b></p>	<p><b>R.C. 3318.032, 3318.05, 3318.41</b></p> <p>Same as the Executive.</p> <p><b>Fiscal effect: Same as the Executive.</b></p>

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<b>SFCCD11 New Estimates for Renewal of Lapsed Projects</b>			
<b>R.C. 3318.032, 3318.05, 3318.054, 3318.41</b> Requires, if the conditional approval of a school or joint vocational school district's (JVSD) classroom facilities project lapses because the district's voters do not approve a bond issue and tax levy to pay the district's portion of the project, that the district board request that SFC set a new scope, estimated cost, and estimated millage rate for the project, if the board wishes to renew the project.  Authorizes the district board to resubmit the project, based on the new estimates, to the district's voters and specifies that, if approved by the voters, the district's project receives first priority for funding as it becomes available, as provided under current law.  <b>Fiscal effect: Current law does not expressly specify what project scope and costs a district board must resubmit to its voters after a project lapses, but in practice it is the original project scope and costs that are resubmitted, which may not reflect the district's current needs, tax valuation, and relative wealth.</b>	<b>R.C. 3318.032, 3318.05, 3318.054, 3318.41</b> Same as the Executive.  Same as the Executive.  <b>Fiscal effect: Same as the Executive.</b>	<b>R.C. 3318.032, 3318.05, 3318.054, 3318.41</b> Same as the Executive, but removes the requirement that SFC establish an estimated millage rate for the district's local share of the project.  Same as the Executive.  <b>Fiscal effect: Same as the Executive.</b>	<b>R.C. 3318.032, 3318.05, 3318.054, 3318.41</b> Same as the Senate.  Same as the Executive.  <b>Fiscal effect: Same as the Executive.</b>

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<b>SFCCD20 SFC Assistance for a Facility Segment</b>			
No provision.	No provision.	<p><b>R.C. 3318.034</b> Permits a school district that received assistance under the prior school facilities program (under ODE) that is eligible for additional assistance to segment only a part of a facility to renovate or replace work performed on that facility under the district's prior project.</p>	<p><b>R.C. 3318.034</b> Same as the Senate.</p>
No provision.	No provision.	<p>Specifies that the cost of the segment be shared by the state and the district according to the wealth-based formula of current law, but the minimum project size requirements for segments otherwise prescribed under current law do not apply.</p>	Same as the Senate.
No provision.	No provision.	<p>Specifies the maintenance levy requirement does not apply to the renovation or replacement segment.</p>	Same as the Senate.
No provision.	No provision.	<p>Specifies that SFC may approve the segment if it determines that the renovation or replacement is necessary to protect the facility.</p>	Same as the Senate.

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<p><b>Fiscal effect:</b> Prior to the creation of SFC in 1997, the state's classroom facilities assistance programs were administered by ODE. Some districts that received assistance under the prior program are eligible for additional assistance because they did not receive the district-wide assistance provided for under current law. The provision applies to these "look-back" districts.</p>			
<p><b>SFCCD13 Simultaneous Spending of Shares</b></p>			
<p>R.C. 3318.08, 183.51, 3318.38, 3318.41</p> <p>Requires that funds reserved to pay the state and school district shares of all classroom facilities projects be spent simultaneously, in proportion to their respective shares, instead of state funds being spent first as under current law for most district projects.</p> <p><b>Fiscal effect: Currently, simultaneous spending of state and district funds applies only to JVSDs and the six districts participating in the Accelerated Urban Initiative.</b></p>	<p>R.C. 3318.08, 183.51, 3318.38, 3318.41</p> <p>Same as the Executive.</p> <p><b>Fiscal effect: Same as the Executive.</b></p>	<p>R.C. 3318.08, 183.51, 3318.38, 3318.41</p> <p>Same as the Executive.</p> <p><b>Fiscal effect: Same as the Executive.</b></p>	<p>R.C. 3318.08, 183.51, 3318.38, 3318.41</p> <p>Same as the Executive.</p> <p><b>Fiscal effect: Same as the Executive.</b></p>

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**SFCCD15 Close-Out of SFC Projects**

**R.C. 3318.12, 3318.48**

Requires SFC to issue a certificate of completion for a school district's state-assisted classroom facilities project when the following have occurred: (1) all facilities have been completed and the district has received certificates of occupancy, (2) SFC has issued certificates of contract completion on all prime construction contracts, (3) SFC has completed a final accounting of the district's project construction fund and determined that all payments were in compliance with SFC policies, (4) any litigation concerning the project has been resolved, and (5) all construction management services provided by SFC have been delivered.

**R.C. 3318.12, 3318.48**

Same as the Executive.

**R.C. 3318.12, 3318.48**

Same as the Executive.

**R.C. 3318.12, 3318.48**

Same as the Executive.

Permits SFC to issue a certificate of completion prior to satisfaction of these conditions, if SFC determines that the circumstances preventing their satisfaction are so minor that the project should be considered complete.

Same as the Executive.

Same as the Executive.

Same as the Executive.

Permits SFC to issue a certificate of completion when a school district does not voluntarily participate in the close-out process, if the construction manager verifies that all facilities have been completed and SFC determines those facilities have been occupied for at least a year. In that case,

Same as the Executive.

Same as the Executive.

Same as the Executive.

Executive	As Passed by the House	As Passed by the Senate	As Reported by Conference Committee
<p>requires the Auditor of State to issue a finding for recovery against the district and request legal action by the Attorney General, if any funds remaining in the project construction fund that are owed to SFC have not been returned within 60 days after issuance of the certificate of completion.</p> <p><b>Fiscal effect: The bill's procedure for close-out may provide SFC with funding flexibility to support other, on-going projects or to offer funding to districts not yet served by SFC.</b></p>	<p><b>Fiscal effect: Same as the Executive.</b></p>	<p><b>Fiscal effect: Same as the Executive.</b></p>	<p><b>Fiscal effect: Same as the Executive.</b></p>
<p>SFCCD16 Exceptional Needs Program</p>			
<p>No provision.</p>	<p><b>R.C. 3318.37</b> Removes the prohibition for a school district to participate in the Exceptional Needs Program (ENP) if SFC reasonably expects the district to be eligible for districtwide assistance under CFAP within three fiscal years.</p> <p><b>Fiscal effect: More school districts may be able to participate in ENP, which is designed to assist school districts in addressing the health and safety needs associated with a specific building instead of addressing the entire classroom facilities needs of the district as under CFAP.</b></p>	<p><b>R.C. 3318.37</b> Same as the House.</p> <p><b>Fiscal effect: Same as the House.</b></p>	<p><b>R.C. 3318.37, Section 812.20</b> Same as the House, but makes the provision take effect immediately.</p> <p><b>Fiscal effect: Same as the House, but eligible schools may be able to participate in ENP sooner.</b></p>

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<b>SFCCD8 Extreme Environmental Contamination Program</b>			
<p><b>R.C. 3318.371</b>            Authorizes SFC to provide assistance under the Exceptional Needs Program to any school district for the purpose of the relocation or replacement of classroom facilities required as a result of any contamination of air, soil, or water that impacts the facility occupants. Specifies that the program is not limited to school districts in the first through 75th percentiles.</p> <p>Requires SFC to make a determination in accordance with adopted guidelines regarding eligibility and funding for projects. Authorizes SFC to contract with an independent environmental consultant to conduct a study to assist SFC in making a determination.</p> <p><b>Fiscal effect: The bill codifies the program, which is currently authorized under temporary law. River Valley Local (Marion), Gorham-Fayette Local (Fulton), and Three Rivers Local (Hamilton) have received assistance under the program.</b></p>	<p><b>R.C. 3318.371</b>            Same as the Executive.</p> <p>Same as the Executive.</p> <p><b>Fiscal effect: Same as the Executive.</b></p>	<p><b>R.C. 3318.371</b>            Same as the Executive.</p> <p>Same as the Executive.</p> <p><b>Fiscal effect: Same as the Executive.</b></p>	<p><b>R.C. 3318.371, Section 812.20</b>            Same as the Executive, but makes the provision take effect immediately.</p> <p>Same as the Executive, but makes the provision take effect immediately.</p> <p><b>Fiscal effect: Same as the Executive.</b></p>

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SFCCD21 Local Financing Under the Vocational School Facilities Program

No provision.	No provision.	<p><b>R.C. 3318.44</b> Permits a joint vocational school district, in the same resolution, to commit the use of existing or new tax levies to finance the annual debt service on securities issued for both its state assisted classroom facilities project and locally-funded initiatives related to that project.</p> <p><b>Fiscal effect: The provision may provide joint vocational school districts with more flexibility for funding both local shares of their SFC projects or locally-funded initiatives related to those SFC projects.</b></p>	<p><b>R.C. 3318.44</b> Same as the Senate.</p> <p><b>Fiscal effect: Same as the Senate.</b></p>
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SFCCD9 Corrective Action Program

<p><b>R.C. 3318.49, Sections 620.20, 620.21</b> Codifies the corrective action program, which provides funding for the correction of work that is found to be defective or to have been omitted after occupancy of a state-assisted classroom facility.</p> <p>Authorizes SFC to provide corrective action funds only if the school district notifies the Executive Director of SFC of the defective or omitted work within three years after</p>	<p>No provision.</p> <p>No provision.</p>	<p><b>R.C. 3318.49, Sections 620.20, 620.21</b> Same as the Executive.</p> <p>Same as the Executive, but changes the deadline, from three years to five years after facility occupancy, for which a school district has to notify SFC of defects or omissions.</p>	<p><b>R.C. 3318.49, Sections 620.20, 620.21</b> Same as the Executive.</p> <p>Same as the Senate.</p>
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Executive	As Passed by the House	As Passed by the Senate	As Reported by Conference Committee
<p>occupancy of the facility for which the school district seeks funding. (Current temporary law specifies that notification must take place five years after project close-out.)</p>			
<p>Requires SFC to establish procedures and deadlines for school districts to follow in applying for corrective action grants. Requires that procedures include definitions of "defective" and "omitted," and that remediation efforts focus first on engaging the respective contractors that designed and constructed the areas that have design or construction-related issues.</p>	<p>No provision.</p>	<p>Same as the Executive.</p>	<p>Same as the Executive.</p>
<p>Authorizes SFC to provide necessary funds to take corrective measures after evaluating the defective or omitted work and establishes procedures for funding corrective work for complete and incomplete projects.</p>	<p>No provision.</p>	<p>Same as the Executive.</p>	<p>Same as the Executive.</p>
<p>Requires SFC to assess responsibility for the defective or omitted work and seek cost recovery from responsible parties, if applicable. Requires that any recovery of the expense of remediation be applied first to the district portion of the cost of the corrective action and any remaining funds be applied to the state portion and deposited into the School Building Program Assistance Fund (Fund 7032).</p>	<p>No provision.</p>	<p>Same as the Executive.</p>	<p>Same as the Executive.</p>
<p>Amends Section 105.20 of H.B. 462 of the 128th G.A. to specify that appropriation item C23011, Corrective Action Grants, be used in FY 2011 for corrective action grants authorized under temporary law and that</p>	<p>No provision.</p>	<p>Same as the Executive.</p>	<p>Same as the Executive.</p>

Executive	As Passed by the House	As Passed by the Senate	As Reported by Conference Committee
<p>C23011 be used in FY 2012 for corrective action grants authorized under permanent law.</p> <p><b>Fiscal effect: The bill codifies the program, which is currently authorized under temporary law. H.B. 462 appropriated \$23.3 million for corrective action grants in the FY 2011 - FY 2012 biennium.</b></p>		<p><b>Fiscal effect: Same as the Executive.</b></p>	<p><b>Fiscal effect: Same as the Executive.</b></p>
<p>SFCCD22 Classroom Facilities Assistance for STEM Schools</p>			
<p>No provision.</p>	<p>No provision.</p>	<p>No provision.</p>	<p><b>R.C. 3318.70</b>                      Authorizes SFC, with Controlling Board approval, to provide funding to any STEM school that is not governed by a single school district board for constructing, reconstructing, repairing, or making additions to classroom facilities for the school.</p>
<p>No provision.</p>	<p>No provision.</p>	<p>No provision.</p>	<p>Requires the STEM school to secure at least 50% of the total cost of the acquisition of the classroom facilities.</p>
<p>No provision.</p>	<p>No provision.</p>	<p>No provision.</p>	<p>Requires the agreement between the STEM school and SFC to stipulate the ownership of the classroom facilities in the event the STEM school permanently closes.</p> <p><b>Fiscal effect: A STEM school may receive up to 50% of its facility project in state SFC funding assistance.</b></p>

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**SFCCD1 Common Schools General Obligation Debt Service**

**Section: 387.20**  
 Specifies that GRF appropriation item 230908, Common Schools General Obligation Debt Service, be used to pay all of SFC's required debt service and related financing costs during the FY 2012-FY 2013 biennium.

**Section: 387.20**  
 Same as the Executive.

**Section: 387.20**  
 Same as the Executive.

**Section: 387.20**  
 Same as the Executive.

**SFCCD2 Operating Expenses**

**Section: 387.20**  
 Specifies that SSR Fund 5E30 appropriation item 230644, Operating Expenses, be used by SFC to carry out its duties.  
 Requires the Executive Director of SFC to certify, on a quarterly basis in each fiscal year, to the Director of Budget and Management the amount of cash to be transferred from the School Buildings Assistance Fund (Fund 7032), the Public School Building Fund (Fund 7021), and the Educational Facilities Trust Fund (Fund N087) to the Ohio School Facilities Commission Fund (Fund 5E30). Specifies that the amount transferred from Fund 7032 may not exceed investment earnings credited to the fund, less any amount required to be paid for federal arbitrage rebate purposes.

**Section: 387.20**  
 Same as the Executive.

Same as the Executive.

**Section: 387.20**  
 Same as the Executive.

Same as the Executive.

**Section: 387.20**  
 Same as the Executive.

Same as the Executive.

Executive	As Passed by the House	As Passed by the Senate	As Reported by Conference Committee
<p>Permits, with Controlling Board approval, the transfer of noninterest cash from Fund 7021 and Fund N087 to Fund 5E30 if the Executive Director of SFC determines the transfer of interest to be insufficient to support operations.</p> <p><b>Fiscal effect: H.B. 1 of the 128th G.A. permitted the transfer of noninterest cash from Fund 7021 and Fund N087 to support SFC operations. The first transfer of noninterest cash occurred in November 2011.</b></p>	<p>Same as the Executive.</p> <p><b>Fiscal effect: Same as the Executive.</b></p>	<p>Same as the Executive.</p> <p><b>Fiscal effect: Same as the Executive.</b></p>	<p>Same as the Executive.</p> <p><b>Fiscal effect: Same as the Executive.</b></p>
<b>SFCCD3 School Facilities Encumbrances and Reappropriation</b>			
<p><b>Section: 387.20</b>                      Authorizes the Director of Budget and Management, at the request of SFC's Executive Director, to cancel encumbrances for school district projects from a previous biennium if the district has not raised its local share of project costs within 13 months of Controlling Board approval. Requires the Executive Director to certify the amounts of the canceled encumbrances on a quarterly basis. Appropriates the amounts of the canceled encumbrances to the Classroom Facilities Assistance Program.</p> <p><b>Fiscal effect: The canceled encumbrances are made available to serve other school districts.</b></p>	<p><b>Section: 387.20</b>                      Same as the Executive.</p> <p><b>Fiscal effect: Same as the Executive.</b></p>	<p><b>Section: 387.20</b>                      Same as the Executive.</p> <p><b>Fiscal effect: Same as the Executive.</b></p>	<p><b>Section: 387.20</b>                      Same as the Executive.</p> <p><b>Fiscal effect: Same as the Executive.</b></p>

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SFCCD4 Amendment to Project Agreement for Maintenance Levy

**Section: 387.30**

Requires SFC to amend the project agreement between SFC and a school district that is participating in the Accelerated Urban Initiative (AUI) if SFC determines it is necessary to do so in order to comply with the change in maintenance levy requirements enacted by H.B. 1 of the 128th G.A.

**Fiscal effect: H.B. 1 of the 128th General Assembly changed the maintenance levy requirements for the six AUI districts (Akron, Cincinnati, Cleveland, Columbus, Dayton, and Toledo) to run for 23 years from the date the initial segment is undertaken, instead of extending for 23 years after the district's last segment was undertaken (the six AUI projects are broken into individual segments). For the districts that have not changed their agreements yet, the H.B. 1 change would reduce the number of years for which the districts would have to levy the required 1/2 mill property tax for maintenance. Presumably, the AUI districts would use other funds to meet their building maintenance needs.**

**Section: 387.30**

Same as the Executive.

**Fiscal effect: Same as the Executive.**

**Section: 387.30**

Same as the Executive.

**Fiscal effect: Same as the Executive.**

**Section: 387.30**

Same as the Executive.

**Fiscal effect: Same as the Executive.**

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SFCCD5 Canton City School District Project

**Section: 387.40**

Authorizes SFC to commit up to \$35,000,000 to the Canton City School District for construction of a combined secondary and post-secondary facility in lieu of a high school that would otherwise be authorized under the Classroom Facilities Assistance Program.

**Fiscal effect: None. It authorizes the continuation of the current program and does not change the state share of the school facilities project in the Canton City School District.**

**Section: 387.40**

Same as the Executive.

**Fiscal effect: Same as the Executive.**

**Section: 387.40**

Same as the Executive.

**Fiscal effect: Same as the Executive.**

**Section: 387.40**

Same as the Executive.

**Fiscal effect: Same as the Executive.**

SFCCD6 Disbursement Determination

**Section: 387.50**

Authorizes SFC to determine the amount of funding available for disbursement in a given fiscal year for any Classroom Facilities Assistance Program project in order to keep aggregate state capital spending within approved limits. Authorizes SFC to take actions including, but not limited to, determining the schedule for design or bidding of approved projects, to ensure appropriate and supportable cash flow.

**Section: 387.50**

Same as the Executive.

**Section: 387.50**

Same as the Executive.

**Section: 387.50**

Same as the Executive.

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<p><b>Fiscal effect: The provision may give SFC more flexibility in spending state funds on projects.</b></p>	<p><b>Fiscal effect: Same as the Executive.</b></p>	<p><b>Fiscal effect: Same as the Executive.</b></p>	<p><b>Fiscal effect: Same as the Executive.</b></p>
<p>SFCCD7 Joint Vocational School District Funding</p>			
<p><b>Section: 387.60</b>                      Authorizes SFC to provide assistance to at least one JVSD each fiscal year for the acquisition of classroom facilities.   <b>Fiscal effect: SFC has the authority to spend up to 2% of its annual capital appropriations on JVSD projects. SFC is currently at that 2% limit and will be for the next couple of years. This provision would permit SFC to provide assistance to at least one joint vocational school district per year despite being at the 2% limit.</b></p>	<p><b>Section: 387.60</b>                      Same as the Executive.   <b>Fiscal effect: Same as the Executive.</b></p>	<p><b>Section: 387.60</b>                      Same as the Executive.   <b>Fiscal effect: Same as the Executive.</b></p>	<p><b>Section: 387.60</b>                      Same as the Executive.   <b>Fiscal effect: Same as the Executive.</b></p>

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DASCD11 Construction Reform

R.C. 9.33, 9.331, 9.332, 9.333, 9.334, 9.335, 123.011, 126.141, 153.01, 153.03, 153.07, 153.08, 153.50, 153.501, 153.502, 153.51, 153.52, 153.53, 153.54, 153.55, 153.56, 153.57, 153.581, 153.65, 153.66, 153.67, 153.69, 153.692, 153.693, 153.694, 153.70, 153.71, 153.72, 153.73, 153.80, 3313.46, 3353.04, 3354.16, 3357.16, 4113.61, 5540.03, 6115.20, Section 701.10

R.C. 9.33, 9.331, 9.332, 9.333, 9.334, 9.335, 123.011, 126.141, 153.01, 153.03, 153.07, 153.08, 153.50, 153.501, 153.502, 153.51, 153.52, 153.53, 153.54, 153.55, 153.56, 153.57, 153.581, 153.65, 153.66, 153.67, 153.69, 153.692, 153.693, 153.694, 153.70, 153.71, 153.72, 153.73, 153.80, 3313.46, 3353.04, 3354.16, 3357.16, 4113.61, 5540.03, Section 701.10

R.C. 9.33, 9.331-9.335, 123.011, 126.141, 153.01, 153.012, 153.03, 153.07, 153.08, 153.50, 153.501-153.505, 153.51-153.56, 153.581, 153.65, 153.66, 153.67, 153.69, 153.692-153.694, 153.70-153.73, 153.80, 3313.46, 3318.111, 3353.04, 3354.16, 3357.16, 4113.61, 5540.03, 6115.20; Sections 701.10 and 701.13

R.C. 9.33, 9.331-9.335, 123.011, 126.141, 153.01, 153.03, 153.07, 153.08, 153.50, 153.501-153.505, 153.51-153.56, 153.581, 153.65, 153.66, 153.67, 153.69, 153.692-153.694, 153.70-153.73, 153.80, 3313.46, 3353.04, 3354.16, 3357.16, 4113.61, 5540.03, 6115.20; Sections 701.10 and 701.13

(1) Eliminates the requirement that the multiple-prime contracting method be used for public improvements, but does not prohibit its use. Authorizes public authorities, other than the Ohio Turnpike Commission, to enter into public improvement contracts with construction managers at risk (CMARs) and design-build firms (D/B firms), and to enter into public improvement contracts with general contracting firms as sole prime contractors regardless of the size of the project.

(1) Same as the Executive.

(1) Replaces the Executive provision with a provision that restores the current multiple prime requirement, but makes the following exceptions only for state agencies, state institutions of higher education, counties, and school districts using School Facilities Commission assistance: a) authorizes the use of CMAR and D/B firms, regardless of the size of the project; b) authorizes the use of a general contractor, if the cost of the project is \$600,000 or less; and c) increases the minimum cost threshold for a single mechanical, electrical, or plumbing (MEP) branch or class of work to \$20,000.

(1) Same as the Executive.

Executive	As Passed by the House	As Passed by the Senate	As Reported by Conference Committee
<p>(2) Defines CMAR and prescribes the process that a public authority must use to select a CMAR. Requires a CMAR to provide a surety bond in an amount not less than the combined contract values of any work under contract prior to the establishment of the guaranteed maximum price or in the amount of the guaranteed maximum price. Subjects CMARs to the current drug-free workplace and prompt-pay laws.</p>	<p>(2) Same as the Executive.</p>	<p>(2) Same as the Executive, but specifies that the surety bond guidelines are to be established by DAS rule.</p>	<p>(2) Same as the Senate.</p>
<p>(3) Defines D/B services and prescribes the process that a public authority must use to select a D/B firm. Requires a D/B firm to provide a surety bond in an amount not less than the combined contract values of any work under contract prior to the establishment of the guaranteed maximum price or in the amount of the guaranteed maximum price. Authorizes the public authority to require the D/B firm to carry contractor's professional liability insurance and any other insurance the public authority considers appropriate. Subjects D/B firms to the current drug-free workplace and prompt-pay laws.</p>	<p>(3) Same as the Executive.</p>	<p>(3) Same as the Executive, but specifies that the surety bond guidelines are to be established by DAS rule.</p>	<p>(3) Same as the Senate.</p>
<p>(4) No provision.</p>	<p>(4) No provision.</p>	<p>(4) Permits a contract with a CMAR or a D/B firm to provide for the distribution of savings in the final cost of the project.</p>	<p>(4) No provision.</p>
<p>(5) No provision.</p>	<p>(5) No provision.</p>	<p>(5) Requires CMARs and D/B firms to receive separate bids and award separate subcontracts for MEP work. Requires that bidders on these subcontracts be certified to bid in accordance with rules adopted by</p>	<p>(5) Replaces the Senate provision with the following requirements: a) that each CMAR and D/B firm establish criteria for the prequalification of prospective bidders on subcontracts; b) that the criteria be</p>

Executive	As Passed by the House	As Passed by the Senate	As Reported by Conference Committee
		<p>DAS. Requires DAS to commission an independent study of the certification process by July 1, 2013.</p>	<p>approved by the public authority involved in the project; c) that the CMAR or D/B firm identify at least three prospective bidders that are prequalified to bid on the subcontract; d) that the solicitation and selection of a subcontractor by a CMAR or D/B firm be conducted under an open book pricing method; and e) that DAS adopt rules setting forth standards to be followed by CMARs and D/B firms when establishing prequalification criteria for subcontractors.</p>
<p>(6) Permits public authorities to utilize design-assist firms on CMAR and D/B projects.</p>	<p>(6) Same as the Executive.</p>	<p>(6) No provision.</p>	<p>(6) Same as the Executive, but specifies that design liability is not transferred to the design-assist firm.</p>
<p>(7) Requires DAS to prescribe the form for the contracts to be used by a public authority when entering into a contract with a CMAR or D/B firm.</p>	<p>(7) Same as the Executive.</p>	<p>(7) No provision.</p>	<p>(7) Same as the Executive.</p>
<p>(8) No provision.</p>	<p>(8) No provision.</p>	<p>(8) Requires DAS to adopt rules establishing the proper forms that must be used for general contracts and for subcontracts awarded by CMARs, D/B firms, and general contractors.</p>	<p>(8) Same as the Senate.</p>
<p>(9) Requires DAS to adjust the competitive bidding threshold every five years based on the average rate of inflation.</p>	<p>(9) Same as Executive.</p>	<p>(9) Same as the Executive, but applies to multiple-prime and general contracting thresholds as well.</p>	<p>(9) Same as the Executive.</p>
<p>(10) No provision.</p>	<p>(10) No provision.</p>	<p>(10) Requires, when CMARs or D/B firms award subcontracts, that preference be given to subcontractors whose principle place of business is in Ohio.</p>	<p>(10) No provision.</p>
<p>(11) No provision.</p>	<p>(11) No provision.</p>	<p>(11) Specifies the rights and remedies available to subcontractors who perform work on behalf of a CMAR or D/B firm.</p>	<p>(11) No provision.</p>

Executive	As Passed by the House	As Passed by the Senate	As Reported by Conference Committee
(12) Increases from \$50,000 to \$200,000 the minimum project cost threshold that requires competitive bidding for state projects; exempts contracts with CMARs and D/B firms from this requirement.	(12) Same as the Executive.	(12) Same as the Executive, but the increased threshold only applies to state agencies and state institutions of higher education.	(12) Same as the Executive, but also clarifies that the current law construction bid requirements for port authorities to contract for the construction of any building, structure, or other improvement do not apply if the port authority elects to contract with a CMR or D/B firm for such construction projects.
(13) Permits certain public entities to advertise for bids on a public improvement project by electronic means, pursuant to rules adopted by DAS, rather than by newspaper.	(13) Replaces the Executive provision with a provision that applies the uniform public notice requirements as otherwise required under the bill.	(13) Same as the House.	(13) Same as the House.
(14) Requires that capital funds released contain a contingency reserve.	(14) Same as the Executive.	(14) Same as the Executive, but only applies this requirement to projects for which the contracts are awarded by DAS.	(14) Same as the Executive.
(15) No provision.	(15) No provision.	(15) Provides that the bill's changes to the law governing the construction of public improvements are not applicable until DAS adopts the aforementioned surety bond guidelines by rule.	(15) Same as the Senate.
(16) No provision.	(16) No provision.	(16) No provision.	(16) Increases, from \$25,000 to \$50,000, the professional design fee cost threshold under which public authorities contracting for professional design services are exempt from the bidding, evaluation, and ranking requirements that otherwise would apply under current law, provided that a) the respective public authority selects a single design professional or firm from among those that have submitted a current statement of qualifications, based on the public authority's determination that the selected design professional or firm is the

Executive	As Passed by the House	As Passed by the Senate	As Reported by Conference Committee
(17) No provision.	(17) No provision.	(17) No provision.	<p>most qualified to provide the required professional design services, and b) the public authority and the selected design professional or firm comply with division (B) of section 153.69 of the Revised Code with respect to the negotiation of a contract.</p> <p>(17) Removes the current exemption (from these design professional selection requirements) that applies to any public authority that is not authorized by law to contract for professional design services.</p>
<p>(18) Authorizes public authorities to adopt R.C. Chapter 119 rules to implement the bill's provisions regarding design-build contracts..</p> <p><b>Fiscal effect: Increased flexibility in construction delivery methods may enable state agencies and local governments to achieve savings on public improvements.</b></p>	<p>(18) Same as the Executive.</p> <p><b>Fiscal effect: Same as the Executive.</b></p>	<p>(18) Same as the Executive.</p> <p><b>Fiscal effect: Same as the Executive.</b></p>	<p>(18) Same as the Executive.</p> <p><b>Fiscal effect: Same as the Executive.</b></p>

Executive	As Passed by the House	As Passed by the Senate	As Reported by Conference Committee
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**Other Education Provisions**

**EDUCD168 Debt Limits for School Districts with Special Needs**

No provision.	No provision.	<p><b>R.C. 133.06</b>                      Modifies current law exempting certain school districts with special needs for permanent improvements from the ordinary debt limit of 9% of a district's tax valuation, by:</p>	<p><b>R.C. 133.06, Section 733.40</b>                      Same as the Senate, but provides that the provision applies to proceedings that are pending or completed on the (90-day) effective date of the provision.</p>
(1) No provision.	(1) No provision.	<p>(1) Changing the standard by which the state Superintendent certifies a special needs district to a demonstration that the district's potential average growth in valuation during the next five years will be 1.5%, rather than 3% as under current law;</p>	<p>(1) Same as the Senate.</p>
(2) No provision.	(2) No provision.	<p>(2) Permitting a special needs district certified by the state Superintendent to incur debt equal to the greater of:                      (a) 12%, instead of 9% as under current law, of the sum of its tax valuation plus the product of the tax valuation times the percentage by which the tax valuation has increased over the 60-month period prior to an election on the issuance of securities; or                      (b) 12%, instead of 9% as under current law, of the sum of its tax valuation plus the product of the tax valuation times the percentage the state Superintendent projects the district's tax valuation will increase during the next ten years.</p>	<p>(2) Same as the Senate.</p>

Executive	As Passed by the House	As Passed by the Senate	As Reported by Conference Committee
No provision.	No provision.	Eliminates the requirement that a district applying for special needs certification submit to the state Superintendent a history and projection of the growth of the district's student population. (Retains the requirement that a district submit a history and projection of tax valuation growth, its projected needs for permanent improvements, and an estimate of the cost of those needs.)	Same as the Senate, but provides that the provision applies to proceedings that are pending or completed on the (90-day) effective date of the provision.
No provision.	No provision.	<p>Adds the cost of "nonrequired" locally funded initiatives (in an amount of up to 50% of the district's project cost) to the list of improvements that a district may incur debt in excess of the ordinary 9% of tax valuation limit if it is participating in a state-assisted classroom facilities project. (Current law permits a district participating in such a project to exceed the ordinary debt limit to raise funds necessary to pay the district's share of the project, the site for the project, and "required" locally funded initiatives. The School Facilities Commission may require districts to pay the entire amount for certain items that do not meet the Commission's specifications but are closely associated with the state-assisted portion of the entire project.)</p> <p><b>Fiscal effect: May allow districts more flexibility in funding permanent improvement projects.</b></p>	<p>Same as the Senate, but provides that the provision applies to proceedings that are pending or completed on the (90-day) effective date of the provision.</p> <p><b>Fiscal effect: Same as the Senate.</b></p>

Executive	As Passed by the House	As Passed by the Senate	As Reported by Conference Committee
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EDUCD114 College-Preparatory Boarding Schools

R.C. 3328.01, 3318.60, 3328.02 - 3328.04, 3328.11 - 3328.15, 3328.17 - 3328.19, 3328.191, 3328.192, 3328.193, 3328.20 - 3328.26, 3328.41, 3328.45, 3328.50, 3328.99

R.C. 3328.01, 3318.60, 3328.02 - 3328.04, 3328.11 - 3328.15, 3328.17 - 3328.19, 3328.191, 3328.192, 3328.193, 3328.20 - 3328.26, 3328.31-3328.36, 3328.41, 3328.45, 3328.50, 3328.99, 3317.03

R.C. 3328.01, 3318.60, 3328.02 - 3328.04, 3328.11 - 3328.15, 3328.17 - 3328.19, 3328.191, 3328.192, 3328.193, 3328.20 - 3328.26, 3328.31-3328.36, 3328.41, 3328.45, 3328.50, 3328.99, 3317.03

No provision.

Authorizes the establishment of college-preparatory boarding schools, which are classified as public schools, operated by an approved private nonprofit corporation, and open to certain qualifying students.

Same as the House.

Same as the House, but specifies that no college-preparatory boarding school authorized by the bill may open before the 2013-2014 school year.

No provision.

Provides that a student qualifies to attend a college-preparatory boarding school if the student resides in a participating school district, is at risk of academic failure, is from a family whose income is at or below 200% of the federal poverty guidelines, and meets at least two other criteria involving the student's academic performance, behavior history, disability status, or family status.

Same as the House.

Same as the House.

No provision.

Provides that a college-preparatory boarding school may only admit up to 80 students and offer grade 5 or 6 in its first year of operation. Permits a school to offer other grades in later years, but restricts the total amount of students attending the school to no more than 400.

Same as the House, but limits a college-preparatory boarding school to offering only grade 6 in its first year of operation.

Same as the Senate.

Executive	As Passed by the House	As Passed by the Senate	As Reported by Conference Committee
No provision.	Requires the State Board to issue a request for proposals from private nonprofit corporations interested in operating a college-preparatory boarding school and to enter into a contract with each approved operator.	Same as the House.	Same as the House.
No provision.	Requires that a college-preparatory boarding school be governed by a board of trustees consisting of up to 25 members, with five members appointed by the Governor, with the advice and consent of the Senate, and the rest appointed through the school's bylaws.	Same as the House.	Same as the House.
No provision.	Requires ODE to issue an annual report card for each college-preparatory boarding school that includes data regarding the academic performance of the school's students. Requires, for each student enrolled in the school, ODE to combine data regarding the academic performance of that student with comparable data from the student's resident school district for the purpose of calculating the performance of the district as a whole on the report card.	Same as the House.	Same as the House.
No provision.	Allows the State Board to close a college-preparatory boarding school if the school violates a provision of the authorizing law or a provision of the contract between the school and the State Board.	Same as the House.	Same as the House.
No provision.	Establishes a College-Preparatory Boarding School Facilities Program, through which SFC may assist a college-preparatory boarding school in the acquisition of classroom facilities. Requires that the	Same as the House.	Same as the House.

Executive	As Passed by the House	As Passed by the Senate	As Reported by Conference Committee
No provision.	<p>"lease payments" made by the boards of trustees be deposited into the Common Schools Capital Facilities Bond Service Fund. Requires the school to secure at least \$20.0 million in private funds toward the acquisition of the facilities to participate in the program. States that only private funds may be used for the acquisition of residential and other non-classroom facilities.</p>	No provision.	Requires each participating school district, in consultation with the college-preparatory boarding school, to compute the per-pupil amount to be deducted from the district's state aid account, to execute an agreement specifying that per-pupil amount, and to file a copy of the agreement with ODE.
No provision.	No provision.	Requires ODE to deduct, from the state aid of a college-preparatory boarding school student's resident district, an amount equal to 85% of the per pupil operating expenditure of that district (state and local revenues divided by the district's formula ADM).	Same as the Senate, but requires ODE to deduct the amount agreed to by the district and the boarding school and specifies that the per pupil amount is to be calculated by dividing by the district's ADM, rather than the district's formula ADM.
No provision.	No provision.	Requires ODE to pay to each college-preparatory boarding school, for each enrolled student, the amount deducted from the students resident district plus a state payment of a "per-pupil boarding amount."	Same as the Senate.
No provision.	No provision.	Sets the "per-pupil boarding amount" at \$25,000 during a college-preparatory boarding school's first fiscal year of operation, with adjustments for inflation in following fiscal years.	Same as the Senate.

Executive	As Passed by the House	As Passed by the Senate	As Reported by Conference Committee
No provision.	<p>No provision.</p> <p><b>Fiscal effect: Although the bill specifies that these schools are to be public, it does not provide a funding mechanism for the operation of the schools, so it is unclear what the fiscal effect will be.</b></p>	<p>Allows for reductions to the "per-pupil boarding amount" if the college-preparatory boarding school receives funds from the federal government or other outside sources.</p> <p><b>Fiscal effect: State "per-pupil boarding amount" payments could be as much as \$2.0 million for each school in its first year of operation and as much as \$10.0 million for each school in following fiscal years (plus inflation). Deductions from state aid to school districts may increase and districts may also realize a decrease in expenditures since the district will no longer be obligated to educate the student.</b></p>	<p>Same as the Senate.</p> <p><b>Fiscal effect: Same as the Senate.</b></p>

Executive	As Passed by the House	As Passed by the Senate	As Reported by Conference Committee
<b>LOCCD17 School District Transfers from Bond Retirement Fund</b>			
No provision.	<p data-bbox="698 373 1330 414"><b>R.C. 5705.14</b></p> <p data-bbox="698 422 1330 933">Authorizes school districts to transfer money in a bond fund or bond retirement fund to a specific permanent improvement fund, if the county budget commission determines that the money transferred will not be required to meet the obligations payable from the bond fund or bond retirement fund. (Currently, surplus money in a bond fund must be transferred to the sinking fund or bond retirement fund, and surplus money in a bond retirement fund must be transferred to the sinking fund or, if there is no sinking fund, the surplus may be transferred to any other fund but only if the court of common pleas approves.)</p> <p data-bbox="698 941 1330 1047"><b>Fiscal effect: Revenue gain to certain permanent improvement funds if any transfer is made.</b></p>	<p data-bbox="1330 373 1948 414"><b>R.C. 5705.14</b></p> <p data-bbox="1330 422 1948 462">Same as the House.</p> <p data-bbox="1330 941 1948 982"><b>Fiscal effect: Same as the House.</b></p>	<p data-bbox="1948 373 2639 414"><b>R.C. 5705.14</b></p> <p data-bbox="1948 422 2639 462">Same as the House.</p> <p data-bbox="1948 941 2639 982"><b>Fiscal effect: Same as the House.</b></p>