
OHIO FACILITIES CONSTRUCTION COMMISSION

Executive Director powers

- Eliminates the law stating that the Executive Director of the Ohio Facilities Construction Commission must exercise all powers that the Commission possesses.

School facilities maintenance set-aside

- Specifies that the maintenance funds set aside for a state-funded classroom facilities project may be used for “upgrades,” subject to Commission approval.

Expedited Local Partnership Program (ELPP)

- Permits a school district that has already received assistance under Classroom Facilities Assistance Program (CFAP) and has divided its CFAP project into segments to participate in Expedited Local Partnership Program (ELPP) for a discrete portion of one or more of its future segments.

Priority funding under CFAP

- Requires the Commission to give first priority for CFAP projects to a city, local, or exempted village school district that intends to build a new school building on land originally owned by a state community college with the intention of collaboratively working with that institution on workforce development programs and curriculum.
- Permits the Commission to reduce the district’s portion of the project cost by up to 25 percentage points and up to an additional ten percentage points, provided the district’s portion is at least 5%.

CFAP for ELPP districts

- Specifies that an ELPP district that did not construct facilities under its ELPP agreement retains its percentile ranking determined at the time of its initial agreement under ELPP if the district intends to build new classroom facilities on land originally owned by a state community college and satisfies other conditions.
- Specifies that the Commission must give first priority for funding for a CFAP project to districts that satisfy these conditions as such funds become available.
- Specifies that those districts’ portions of the basic project cost of CFAP projects must be the same percentage of the basic project cost as under their initial ELPP agreements.

School storm shelters

- Extends from September 15, 2019, to September 15, 2020, the existing moratorium regarding the construction of storm shelters in private and public school buildings.
- Requires the Commission to conduct a study and make recommendations regarding storm shelter requirements for school buildings to the General Assembly by December 31, 2019.

Executive Director powers

(R.C. 123.21)

The act eliminates a provision that the Executive Director of the Ohio Facilities Construction Commission exercises all powers that the Commission possesses. Under continuing law, the Executive Director supervises the Commission's operations, employs and fixes the compensation of its employees, and performs other duties delegated by the Commission.

School facilities maintenance set-aside

(R.C. 3318.05, 3318.051, 3318.06, 3318.061, 3318.062, 3318.063, 3318.36, and 3318.361)

The act specifies that the maintenance funds set aside for a state-funded classroom facilities project may be used for "upgrades," subject to approval by the Commission. It also makes changes to tax levy ballot language used by most districts to generate the required funds. It appears that an existing maintenance levy may not be used for upgrades unless specifically approved by the voters for that purpose.

Background

The Commission administers several programs that provide state assistance to school districts and other public schools in constructing classroom facilities. The main program, the Classroom Facilities Assistance Program (CFAP), is designed to provide each city, exempted village, and local school district with partial funding to address all of the district's classroom facilities needs. It is a graduated, cost-sharing program where a district's portion of the total cost of the project and priority for funding are based on the district's relative wealth. Other smaller programs address the particular needs of certain types of districts and schools. These, too, are cost-sharing programs.

Besides raising its share of the project cost, usually through the issuance of voter-approved bonds and an accompanying tax levy, a school district participating in CFAP must levy a separate tax or set-aside other funds for the maintenance of the facilities. The amount of that set aside is equal to one-half mill (0.0005) times the district's tax valuation for 23 years. Some districts qualify for an equalized supplemental payment to help pay the cost of the maintenance requirement.⁵³ This maintenance set-aside requirement applies to CFAP and most other programs administered by the Commission (including the Expedited Local Partnership Program, as described below). A separate maintenance set-aside requirement applies to joint vocational school districts. It is not affected by the act's provisions.⁵⁴

⁵³ R.C. 3318.18, not in the act.

⁵⁴ R.C. 3318.43, not in the act.

Expedited Local Partnership Program (ELPP)

(R.C. 3318.36)

The act permits a school district that has already received assistance under CFAP and has divided its CFAP project into segments to participate in the Expedited Local Partnership Program (ELPP) for a discrete portion of one or more of its future segments.

ELPP permits most school districts that have not been served under CFAP to apply the advance expenditure of district money on approved parts of their district-wide needs toward their shares of their CFAP projects when they become eligible for CFAP. Except as now provided by the act, a district may not participate in ELPP if it is reasonably expected to receive CFAP assistance within two fiscal years.

In 2008, all districts participating in CFAP were authorized to segment their projects. Until then, only the large urban districts were permitted to do so.⁵⁵

Priority funding under CFAP

(R.C. 3318.036)

The act specifies that the Commission must give first priority for CFAP projects to a city, local, or exempted village school district that intends to build a new school building on land originally owned by a state community college with the intention of collaboratively working with the college on workforce development programs and curriculum. The Commission may reduce that district's portion of the total cost of the project by up to 25 percentage points and up to an additional ten percentage points, provided the district's portion is at least 5% of the total project cost.

Priority under CFAP for ELPP districts

(R.C. 3318.037)

Separately, the act specifies that a city, local, or exempted village school district retains its percentile ranking that was determined at the time the district entered into its initial agreement under ELPP if the district satisfies all of the following conditions:

- The district intends to build new classroom facilities on land originally owned by a state community college with the intention of collaboratively working with the state community college on workforce development programs and curriculum;
- The district has previously participated in ELPP but did not construct any new facilities as part of that program; and
- The district reapplies for ELPP between January 1, 2019, and July 1, 2020, and subsequently enters into a new agreement for that program.

⁵⁵ R.C. 3318.034 and 3318.38, neither in the act.

The act further specifies that the Commission must give first priority for funding for a CFAP project to districts that satisfy the conditions described above as such funds become available and that those districts' portions of the basic project cost of CFAP projects must be the same percentage of the basic project cost as under their initial agreements under ELPP.

School storm shelters

(R.C. 3781.1010)

The act extends from September 15, 2019, to September 15, 2020, the existing moratorium on the building code requirement for storm shelters in school buildings operated by a public or private school or in any such school building undergoing or about to undergo construction, alteration, repair, or maintenance financed prior to the end of the moratorium.

Study

(Section 287.90)

The act also requires the Commission to evaluate and make recommendations regarding appropriate requirements for storm shelters for school buildings. The Commission must conduct the study in consultation with stakeholders, including school district officials, and submit a report of its findings to the General Assembly by December 31, 2019.