

As Introduced

**124th General Assembly
Regular Session
2001-2002**

H. B. No. 196

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A B I L L

To amend sections 3313.533 and 3319.30 of the Revised 1
Code to permit school districts that establish 2
certain alternative schools to contract with 3
nonprofit or for profit entities to operate those 4
schools, to provide that teachers employed by those 5
entities may be licensed in the same manner as 6
employees of nontax-supported schools, and to 7
provide additional standards for alternative 8
schools operated by nonprofit or for profit 9
entities. 10

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

Section 1. That sections 3313.533 and 3319.30 of the Revised 11
Code be amended to read as follows: 12

Sec. 3313.533. (A) The board of education of a city, exempted 13
village, or local school district may adopt a resolution to 14
establish and maintain an alternative school in accordance with 15
this section. The resolution shall specify, but not necessarily be 16
limited to, all of the following: 17

(1) The purpose of the school, which purpose shall be to 18

serve students who are on suspension, who are having truancy
problems, who are experiencing academic failure, who have a
history of class disruption, or who are exhibiting other academic
or behavioral problems specified in the resolution;

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(2) The grades served by the school, which may include any of
grades kindergarten through twelve;

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(3) A requirement that the school be operated in accordance
with this section. The board of education adopting the resolution
under division (A) of this section shall be the governing board of
the alternative school. The board shall develop and implement a
plan for the school in accordance with the resolution establishing
the school and in accordance with this section. Each plan shall
include, but not necessarily be limited to, all of the following:

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(a) Specification of the reasons for which students will be
accepted for assignment to the school and any criteria for
admission that are to be used by the board to approve or
disapprove the assignment of students to the school;

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(b) Specification of the criteria and procedures that will be
used for returning students who have been assigned to the school
back to the regular education program of the district;

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(c) An evaluation plan for assessing the effectiveness of the
school and its educational program and reporting the results of
the evaluation to the public.

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(B) Notwithstanding any provision of Title XXXIII of the
Revised Code to the contrary, the alternative school plan may
include any of the following:

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(1) A requirement that on each school day students must
attend school or participate in other programs specified in the
plan or by the chief administrative officer of the school for a
period equal to the minimum school day set by the state board of
education under section 3313.48 of the Revised Code plus any

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additional time required in the plan or by the chief 50
administrative officer; 51

(2) Restrictions on student participation in extracurricular 52
or interscholastic activities; 53

(3) A requirement that students wear uniforms prescribed by 54
the district board of education. 55

(C) In accordance with the alternative school plan, the 56
district board of education may employ teachers and nonteaching 57
employees necessary to carry out its duties and fulfill its 58
responsibilities or may contract with a nonprofit or for profit 59
entity to operate the alternative school, including the provision 60
of personnel, supplies, equipment, or facilities. 61

(D) An alternative school may be established in all or part 62
of a school building. 63

(E) If a district board of education elects under this 64
section, or is required by section 3313.534 of the Revised Code, 65
to establish an alternative school, the district board may join 66
with the board of education of one or more other districts to form 67
a joint alternative school by forming a cooperative education 68
school district under section 3311.52 or 3311.521 of the Revised 69
Code, or a joint educational program under section 3313.842 of the 70
Revised Code. The authority to employ personnel or to contract 71
with a nonprofit or for profit entity under division (C) of this 72
section applies to any alternative school program established 73
under this division. 74

(F) Unless federal law specifies otherwise, any nonprofit or 75
for profit entity that contracts to operate an alternative school 76
under this section may employ as teachers in such school 77
individuals who do not hold educator licenses or certificates 78
specified by state law for teachers employed by school districts 79
as long as those individuals employed as teachers by that entity 80

for the alternative school are licensed in the same manner as 81
individuals employed by nontax-supported schools under section 82
3301.071 of the Revised Code. 83

(G) Division (G) of this section applies only to any 84
alternative school that is operated by a nonprofit or for profit 85
entity under contract with the school district. 86

(1) In addition to the specifications authorized under 87
division (B) of this section, any plan adopted under that division 88
for an alternative school to which division (G) of this section 89
also applies shall include the following: 90

(a) A description of the educational program provided at the 91
alternative school, which shall include: 92

(i) Provisions for the school to be configured in clusters or 93
small learning communities; 94

(ii) Provisions for the incorporation of education technology 95
into the curriculum; 96

(iii) Provisions for accelerated learning programs in reading 97
and mathematics. 98

(b) A method to determine the reading and mathematics level 99
of each student assigned to the alternative school and a method to 100
continuously monitor each student's progress in those areas. The 101
methods employed under this division shall be aligned with the 102
curriculum adopted by the school district board of education under 103
section 3313.60 of the Revised Code. 104

(c) A plan for social services to be provided at the 105
alternative school, such as, but not limited to, counseling 106
services, psychological support services, and enrichment programs; 107

(d) A plan for a student's transition from the alternative 108
school back to a school operated by the school district. 109

(2) Notwithstanding division (A)(2) of this section, any 110

alternative school to which division (G) of this section applies 111
shall include only grades six through twelve. 112

(3) Notwithstanding anything in division (A)(3)(a) of this 113
section to the contrary, the characteristics of students who may 114
be assigned to an alternative school to which division (G) of this 115
section applies shall include only one or more of the following: 116

(a) Classroom behavior that is so disruptive that it 117
seriously interferes with a teacher's ability to communicate 118
effectively with the students in the classroom, the ability of 119
other students to learn, or the operation of a school or 120
school-related activity; 121

(b) Habitual truancy; 122

(c) Disregard for school authority including persistent or 123
repeated violation of the school district code of conduct; 124

(d) Nonviolent out-of-classroom infractions of the school 125
district code of conduct that result in a disciplinary action; 126

(e) Misconduct that warrants assignment to a disciplinary 127
education program under the school district's policy adopted under 128
this section; 129

(f) Suspension or expulsion under the school district's 130
policy adopted under section 3313.661 of the Revised Code; 131

(g) Retention for academic reasons for two or more years; 132

(h) Mathematics or reading levels that are two or more grades 133
below the student's current grade level; 134

(i) Grade point averages in two or more courses during a 135
previous or the current semester that are lower than seventy on a 136
one-hundred point scale; 137

(j) Based on prior academic performance, no prospect of 138
graduating from high school within four years of the date the 139

student begins the ninth grade; 140

(k) Failure to attain the designated scores on the test to 141
measure reading or mathematics required under division (B) of 142
section 3301.0710 of the Revised Code or failure to attain a 143
passing score on the reading or mathematics portion of any other 144
standardized test required under school district policy. 145

(4) In the case of any alternative school to which division 146
(G) of this section applies, the superintendent of the school 147
district shall assign students to such alternative school for not 148
less than one entire school year. 149

Sec. 3319.30. Except as provided in ~~section~~ sections 3313.533 150
and 3319.36 of the Revised Code, no person shall receive any 151
compensation for the performance of duties as teacher in any 152
school supported wholly or in part by the state or by federal 153
funds who has not obtained a license of qualification for the 154
position as provided for under section 3319.22 of the Revised Code 155
and which license shall further certify to the good moral 156
character of the holder thereof. Any teacher so qualified may, at 157
the discretion of the employing board of education, receive 158
compensation for days on which the teacher is excused by such 159
board for the purpose of attending professional meetings, and the 160
board may provide and pay the salary of a substitute teacher for 161
such days. 162

Section 2. That existing sections 3313.533 and 3319.30 of the 163
Revised Code are hereby repealed. 164

Section 3. It is the intent of the General Assembly to 165
appropriate moneys specifically for the purpose of assisting 166
school districts in contracting with nonprofit or for profit 167
entities to operate alternative schools for the districts as 168

authorized in sections 3313.533 and 3319.30 of the Revised Code as 169
those sections are amended by this act. The additional moneys 170
shall be used to pay costs associated with educating students 171
assigned to such alternative schools to the extent that those 172
costs exceed those associated with educating those students if 173
they were not assigned to the alternative schools. Any moneys 174
appropriated for the purpose described in this section shall be in 175
the form of a stipend that shall not in any way reduce the amount 176
of moneys a school district would otherwise be eligible to receive 177
under state law. 178