

**As Passed by the House**

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Regular Session  
2003-2004**

**Am. S. B. No. 12**

**Senators Randy Gardner, Robert Gardner, Harris, Mumper, Prentiss,  
Amstutz, Schuring, Stivers  
Representatives Hoops, Kearns, Taylor, Hartnett, Book, Niehaus, T. Patton,  
Setzer, J. Stewart**

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**A B I L L**

To amend section 3314.02 of the Revised Code to 1  
remove the prohibition on establishing a 2  
conversion community school as an Internet- or 3  
computer-based community school; to permit school 4  
districts and nonpublic schools to count any hours 5  
or partial hours after March 1, 2003, that schools 6  
are in session beyond the number of hours required 7  
by minimum standards, in order to make up 8  
"calamity days" missed due to hazardous weather 9  
conditions in excess of the sum of the number of 10  
days permitted by law and the number of days 11  
specified in their contingency plans; and to 12  
declare an emergency. 13

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

**Section 1.** That section 3314.02 of the Revised Code be 14  
amended to read as follows: 15

**Sec. 3314.02.** (A) As used in this chapter: 16

(1) "Sponsor" means an entity listed in division (C)(1) of 17

this section, which has been approved by the department of 18  
education to sponsor community schools and with which the 19  
governing authority of the proposed community school enters into a 20  
contract pursuant to this section. 21

(2) "Pilot project area" means the school districts included 22  
in the territory of the former community school pilot project 23  
established by former Section 50.52 of Am. Sub. H.B. No. 215 of 24  
the 122nd general assembly. 25

(3) "Challenged school district" means any of the following: 26

(a) A school district that is part of the pilot project area; 27

(b) A school district that is either in a state of academic 28  
emergency or in a state of academic watch under section 3302.03 of 29  
the Revised Code; 30

(c) A big eight school district; 31

(d) An urban school district. 32

(4) "Big eight school district" means a school district that 33  
for fiscal year 1997 had both of the following: 34

(a) A percentage of children residing in the district and 35  
participating in the predecessor of Ohio works first greater than 36  
thirty per cent, as reported pursuant to section 3317.10 of the 37  
Revised Code; 38

(b) An average daily membership greater than twelve thousand, 39  
as reported pursuant to former division (A) of section 3317.03 of 40  
the Revised Code. 41

(5) "New start-up school" means a community school other than 42  
one created by converting all or part of an existing public 43  
school, as designated in the school's contract pursuant to 44  
division (A)(17) of section 3314.03 of the Revised Code. 45

(6) "Urban school district" means one of the state's 46  
twenty-one urban school districts as defined in division (O) of 47

section 3317.02 of the Revised Code as that section existed prior 48  
to July 1, 1998. 49

(7) "Internet- or computer-based community school" means a 50  
community school established under this chapter in which the 51  
enrolled students work primarily from their residences on 52  
assignments provided via an internet- or other computer-based 53  
instructional method that does not rely on regular classroom 54  
instruction. 55

(B) Any person or group of individuals may initially propose 56  
under this division the conversion of all or a portion of a public 57  
school to a community school. ~~No conversion community school shall~~ 58  
~~be an internet- or computer-based community school.~~ The proposal 59  
shall be made to the board of education of the city, local, or 60  
exempted village school district in which the public school is 61  
proposed to be converted. Upon receipt of a proposal, a board may 62  
enter into a preliminary agreement with the person or group 63  
proposing the conversion of the public school, indicating the 64  
intention of the board of education to support the conversion to a 65  
community school. A proposing person or group that has a 66  
preliminary agreement under this division may proceed to finalize 67  
plans for the school, establish a governing authority for the 68  
school, and negotiate a contract with the board of education. 69  
Provided the proposing person or group adheres to the preliminary 70  
agreement and all provisions of this chapter, the board of 71  
education shall negotiate in good faith to enter into a contract 72  
in accordance with section 3314.03 of the Revised Code and 73  
division (C) of this section. 74

(C)(1) Any person or group of individuals may propose under 75  
this division the establishment of a new start-up school to be 76  
located in a challenged school district. The proposal may be made 77  
to any of the following entities: 78

(a) The board of education of the district in which the 79

school is proposed to be located;	80
(b) The board of education of any joint vocational school district with territory in the county in which is located the majority of the territory of the district in which the school is proposed to be located;	81 82 83 84
(c) The board of education of any other city, local, or exempted village school district having territory in the same county where the district in which the school is proposed to be located has the major portion of its territory;	85 86 87 88
(d) The governing board of any educational service center as long as the proposed school will be located in a county within the territory of the service center or in a county contiguous to such county;	89 90 91 92
(e) A sponsoring authority designated by the board of trustees of any of the thirteen state universities listed in section 3345.011 of the Revised Code or the board of trustees itself as long as a mission of the proposed school to be specified in the contract under division (A)(2) of section 3314.03 of the Revised Code and as approved by the department of education under division (B)(2) of section 3314.015 of the Revised Code will be the practical demonstration of teaching methods, educational technology, or other teaching practices that are included in the curriculum of the university's teacher preparation program approved by the state board of education;	93 94 95 96 97 98 99 100 101 102 103
(f) Any qualified tax-exempt entity under section 501(c)(3) of the Internal Revenue Code as long as all of the following conditions are satisfied:	104 105 106
(i) The entity has been in operation for at least five years prior to applying to be a community school sponsor.	107 108
(ii) The entity has assets of at least five hundred thousand dollars.	109 110

(iii) The department of education has determined that the entity is an education-oriented entity under division (B)(3) of section 3314.015 of the Revised Code.

Until July 1, 2005, any entity described in division (C)(1)(f) of this section may sponsor only schools that formerly were sponsored by the state board of education under division (C)(1)(d) of this section, as it existed prior to ~~the effective date of this amendment~~ April 8, 2003. After July 1, 2005, such entity may sponsor any new or existing school.

Any entity described in division (C)(1) of this section may enter into a preliminary agreement pursuant to division (C)(2) of this section with the proposing person or group.

(2) A preliminary agreement indicates the intention of an entity described in division (C)(1) of this section to sponsor the community school. A proposing person or group that has such a preliminary agreement may proceed to finalize plans for the school, establish a governing authority as described in division (E) of this section for the school, and negotiate a contract with the entity. Provided the proposing person or group adheres to the preliminary agreement and all provisions of this chapter, the entity shall negotiate in good faith to enter into a contract in accordance with section 3314.03 of the Revised Code.

(3) A new start-up school that is established in a school district while that district is either in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code may continue in existence once the school district is no longer in a state of academic emergency or academic watch, provided there is a valid contract between the school and a sponsor.

(4) A copy of every preliminary agreement entered into under this division shall be filed with the superintendent of public

instruction. 142

(D) A majority vote of the board of a sponsoring entity and a 143  
majority vote of the members of the governing authority of a 144  
community school shall be required to adopt a contract and convert 145  
the public school to a community school or establish the new 146  
start-up school. Up to the statewide limit prescribed in section 147  
3314.013 of the Revised Code, an unlimited number of community 148  
schools may be established in any school district provided that a 149  
contract is entered into for each community school pursuant to 150  
this chapter. 151

(E) As used in this division, "immediate relatives" are 152  
limited to spouses, children, parents, grandparents, siblings, and 153  
in-laws. 154

Each new start-up community school established under this 155  
chapter shall be under the direction of a governing authority 156  
which shall consist of a board of not less than five individuals 157  
who are not owners or employees, or immediate relatives of owners 158  
or employees, of any for-profit firm that operates or manages a 159  
school for the governing authority. 160

No person shall serve on the governing authority or operate 161  
the community school under contract with the governing authority 162  
so long as the person owes the state any money or is in a dispute 163  
over whether the person owes the state any money concerning the 164  
operation of a community school that has closed. 165

(F) Nothing in this chapter shall be construed to permit the 166  
establishment of a community school in more than one school 167  
district under the same contract. 168

**Section 2.** That existing section 3314.02 of the Revised Code 169  
is hereby repealed. 170

**Section 3.** A school district or nonpublic school shall not be 171

considered to have failed to comply with division (B) of section 172  
3317.01 of the Revised Code or the state minimum standards during 173  
the 2002-2003 school year because a school was closed due to 174  
hazardous weather conditions for a number of days exceeding the 175  
number permitted under sections 3313.48, 3313.481, and 3317.01 of 176  
the Revised Code, if both of the following apply: 177

(A) In the case of a school district, the district makes up 178  
the number of days specified in its contingency plan adopted under 179  
division (A) of section 3313.482 of the Revised Code in accordance 180  
with that plan or, in the case of a nonpublic school, the school 181  
makes up the number of days specified in any contingency plan 182  
adopted by the school's governing authority in accordance with 183  
that plan; 184

(B) During the period beginning on March 1, 2003, the school 185  
was open for instruction for more hours than the required number 186  
of hours on a sufficient number of days to make up all remaining 187  
days a school was closed in excess of the number permitted by 188  
sections 3313.48, 3313.481, and 3317.01 of the Revised Code due to 189  
hazardous weather conditions. 190

As used in this section, the "required number of hours" for 191  
any school district is five hours per day in the case of students 192  
in grades one through six and five and one-half hours per day in 193  
the case of students in grades seven through twelve, and for any 194  
nonpublic school is five hours per day for students in grades one 195  
through twelve. A public school or school district shall be deemed 196  
to have "made up" a day under division (B) of this section for 197  
each additional five hours its students in grades one through six 198  
are in attendance after March 1, 2003, and for each additional 199  
five and one-half hours its students in grades seven through 200  
twelve are in attendance after March 1, 2003. A nonpublic school 201  
shall be deemed to have "made up" a day under division (B) of this 202

section for each additional five hours its students in grades one 203  
through twelve are in attendance after March 1, 2003. 204

**Section 4.** Section 3314.02 of the Revised Code as amended by 205  
this act takes effect on the later of April 8, 2003, or the 206  
effective date of this act. 207

**Section 5.** This act is hereby declared to be an emergency 208  
measure necessary for the immediate preservation of the public 209  
peace, health, and safety. The reason for such necessity lies in 210  
the fact that immediate action is necessary to provide school 211  
districts and nonpublic schools an alternative way to make up days 212  
missed in the current school year due to hazardous weather 213  
conditions in excess of the number permitted by law. Therefore, 214  
this act shall go into immediate effect. 215