

As Reported by the Senate Education Committee

125th General Assembly

Regular Session

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S. B. No. 12

Senators Randy Gardner, Robert Gardner, Harris, Mumper, Prentiss

A B I L L

To amend section 3314.02 of the Revised Code to
remove the prohibition on establishing a
conversion community school as an Internet- or
computer-based community school.

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

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

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

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(1) "Sponsor" means an entity listed in division (C)(1) of
this section, which has been approved by the department of
education to sponsor community schools and with which the
governing authority of the proposed community school enters into a
contract pursuant to this section.

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

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

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

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(b) A school district that is either in a state of academic

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emergency or in a state of academic watch under section 3302.03 of 20
the Revised Code; 21

(c) A big eight school district; 22

(d) An urban school district. 23

(4) "Big eight school district" means a school district that 24
for fiscal year 1997 had both of the following: 25

(a) A percentage of children residing in the district and 26
participating in the predecessor of Ohio works first greater than 27
thirty per cent, as reported pursuant to section 3317.10 of the 28
Revised Code; 29

(b) An average daily membership greater than twelve thousand, 30
as reported pursuant to former division (A) of section 3317.03 of 31
the Revised Code. 32

(5) "New start-up school" means a community school other than 33
one created by converting all or part of an existing public 34
school, as designated in the school's contract pursuant to 35
division (A)(17) of section 3314.03 of the Revised Code. 36

(6) "Urban school district" means one of the state's 37
twenty-one urban school districts as defined in division (O) of 38
section 3317.02 of the Revised Code as that section existed prior 39
to July 1, 1998. 40

(7) "Internet- or computer-based community school" means a 41
community school established under this chapter in which the 42
enrolled students work primarily from their residences on 43
assignments provided via an internet- or other computer-based 44
instructional method that does not rely on regular classroom 45
instruction. 46

(B) Any person or group of individuals may initially propose 47
under this division the conversion of all or a portion of a public 48
school to a community school. ~~No conversion community school shall~~ 49

~~be an internet or computer based community school.~~ The proposal 50
shall be made to the board of education of the city, local, or 51
exempted village school district in which the public school is 52
proposed to be converted. Upon receipt of a proposal, a board may 53
enter into a preliminary agreement with the person or group 54
proposing the conversion of the public school, indicating the 55
intention of the board of education to support the conversion to a 56
community school. A proposing person or group that has a 57
preliminary agreement under this division may proceed to finalize 58
plans for the school, establish a governing authority for the 59
school, and negotiate a contract with the board of education. 60
Provided the proposing person or group adheres to the preliminary 61
agreement and all provisions of this chapter, the board of 62
education shall negotiate in good faith to enter into a contract 63
in accordance with section 3314.03 of the Revised Code and 64
division (C) of this section. 65

(C)(1) Any person or group of individuals may propose under 66
this division the establishment of a new start-up school to be 67
located in a challenged school district. The proposal may be made 68
to any of the following entities: 69

(a) The board of education of the district in which the 70
school is proposed to be located; 71

(b) The board of education of any joint vocational school 72
district with territory in the county in which is located the 73
majority of the territory of the district in which the school is 74
proposed to be located; 75

(c) The board of education of any other city, local, or 76
exempted village school district having territory in the same 77
county where the district in which the school is proposed to be 78
located has the major portion of its territory; 79

(d) The governing board of any educational service center as 80

long as the proposed school will be located in a county within the 81
territory of the service center or in a county contiguous to such 82
county; 83

(e) A sponsoring authority designated by the board of 84
trustees of any of the thirteen state universities listed in 85
section 3345.011 of the Revised Code or the board of trustees 86
itself as long as a mission of the proposed school to be specified 87
in the contract under division (A)(2) of section 3314.03 of the 88
Revised Code and as approved by the department of education under 89
division (B)(2) of section 3314.015 of the Revised Code will be 90
the practical demonstration of teaching methods, educational 91
technology, or other teaching practices that are included in the 92
curriculum of the university's teacher preparation program 93
approved by the state board of education; 94

(f) Any qualified tax-exempt entity under section 501(c)(3) 95
of the Internal Revenue Code as long as all of the following 96
conditions are satisfied: 97

(i) The entity has been in operation for at least five years 98
prior to applying to be a community school sponsor. 99

(ii) The entity has assets of at least five hundred thousand 100
dollars. 101

(iii) The department of education has determined that the 102
entity is an education-oriented entity under division (B)(3) of 103
section 3314.015 of the Revised Code. 104

Until July 1, 2005, any entity described in division 105
(C)(1)(f) of this section may sponsor only schools that formerly 106
were sponsored by the state board of education under division 107
(C)(1)(d) of this section, as it existed prior to ~~the effective~~ 108
~~date of this amendment~~ April 8, 2003. After July 1, 2005, such 109
entity may sponsor any new or existing school. 110

Any entity described in division (C)(1) of this section may 111

nter into a preliminary agreement pursuant to division (C)(2) of 112
this section with the proposing person or group. 113

(2) A preliminary agreement indicates the intention of an 114
entity described in division (C)(1) of this section to sponsor the 115
community school. A proposing person or group that has such a 116
preliminary agreement may proceed to finalize plans for the 117
school, establish a governing authority as described in division 118
(E) of this section for the school, and negotiate a contract with 119
the entity. Provided the proposing person or group adheres to the 120
preliminary agreement and all provisions of this chapter, the 121
entity shall negotiate in good faith to enter into a contract in 122
accordance with section 3314.03 of the Revised Code. 123

(3) A new start-up school that is established in a school 124
district while that district is either in a state of academic 125
emergency or in a state of academic watch under section 3302.03 of 126
the Revised Code may continue in existence once the school 127
district is no longer in a state of academic emergency or academic 128
watch, provided there is a valid contract between the school and a 129
sponsor. 130

(4) A copy of every preliminary agreement entered into under 131
this division shall be filed with the superintendent of public 132
instruction. 133

(D) A majority vote of the board of a sponsoring entity and a 134
majority vote of the members of the governing authority of a 135
community school shall be required to adopt a contract and convert 136
the public school to a community school or establish the new 137
start-up school. Up to the statewide limit prescribed in section 138
3314.013 of the Revised Code, an unlimited number of community 139
schools may be established in any school district provided that a 140
contract is entered into for each community school pursuant to 141
this chapter. 142

(E) As used in this division, "immediate relatives" are 143
limited to spouses, children, parents, grandparents, siblings, and 144
in-laws. 145

Each new start-up community school established under this 146
chapter shall be under the direction of a governing authority 147
which shall consist of a board of not less than five individuals 148
who are not owners or employees, or immediate relatives of owners 149
or employees, of any for-profit firm that operates or manages a 150
school for the governing authority. 151

No person shall serve on the governing authority or operate 152
the community school under contract with the governing authority 153
so long as the person owes the state any money or is in a dispute 154
over whether the person owes the state any money concerning the 155
operation of a community school that has closed. 156

(F) Nothing in this chapter shall be construed to permit the 157
establishment of a community school in more than one school 158
district under the same contract. 159

Section 2. That existing section 3314.02 of the Revised Code 160
is hereby repealed. 161