

As Introduced

**127th General Assembly
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S. B. No. 331

Senator Roberts

Cosponsors: Senators Fedor, Mason, Miller, D., Morano, Sawyer, Miller, R.

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A B I L L

To amend sections 3302.03, 3313.672, 3314.012, 1
3314.015, 3314.03, 3314.19, and 3314.21 and to 2
enact sections 3314.101, 3314.38, and 3314.39 of 3
the Revised Code to require regular on-site 4
evaluations of community schools, to require 5
certain community school teachers to be "highly 6
qualified," and to make other changes regarding 7
public schools. 8

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

Section 1. That sections 3302.03, 3313.672, 3314.012, 9
3314.015, 3314.03, 3314.19, and 3314.21 be amended and sections 10
3314.101, 3314.38, and 3314.39 of the Revised Code be enacted to 11
read as follows: 12

Sec. 3302.03. (A) Annually the department of education shall 13
report for each school district and each school building in a 14
district all of the following: 15

(1) The extent to which the school district or building meets 16
each of the applicable performance indicators created by the state 17
board of education under section 3302.02 of the Revised Code and 18
the number of applicable performance indicators that have been 19

achieved;	20
(2) The performance index score of the school district or building;	21 22
(3) Whether the school district or building has made adequate yearly progress;	23 24
(4) Whether the school district or building is excellent, effective, needs continuous improvement, is under an academic watch, or is in a state of academic emergency, <u>except that if a school building does not offer any grade level for which an achievement test is prescribed under section 3301.0710 of the Revised Code, the performance rating assigned to the building under division (B) of this section shall not be included on the report card issued for the building under division (C) of this section. The exclusion of the performance rating from the report card shall not affect the applicability of any provision of the Revised Code in which the performance rating of a school building is a factor.</u>	25 26 27 28 29 30 31 32 33 34 35 36
(B) Except as otherwise provided in divisions (B)(6) and (7) of this section:	37 38
(1) A school district or building shall be declared excellent if it fulfills one of the following requirements:	39 40
(a) It makes adequate yearly progress and either meets at least ninety-four per cent of the applicable state performance indicators or has a performance index score established by the department.	41 42 43 44
(b) It has failed to make adequate yearly progress for not more than two consecutive years and either meets at least ninety-four per cent of the applicable state performance indicators or has a performance index score established by the department.	45 46 47 48 49

(2) A school district or building shall be declared effective 50
if it fulfills one of the following requirements: 51

(a) It makes adequate yearly progress and either meets at 52
least seventy-five per cent but less than ninety-four per cent of 53
the applicable state performance indicators or has a performance 54
index score established by the department. 55

(b) It does not make adequate yearly progress and either 56
meets at least seventy-five per cent of the applicable state 57
performance indicators or has a performance index score 58
established by the department, except that if it does not make 59
adequate yearly progress for three consecutive years, it shall be 60
declared in need of continuous improvement. 61

(3) A school district or building shall be declared to be in 62
need of continuous improvement if it fulfills one of the following 63
requirements: 64

(a) It makes adequate yearly progress, meets less than 65
seventy-five per cent of the applicable state performance 66
indicators, and has a performance index score established by the 67
department. 68

(b) It does not make adequate yearly progress and either 69
meets at least fifty per cent but less than seventy-five per cent 70
of the applicable state performance indicators or has a 71
performance index score established by the department. 72

(4) A school district or building shall be declared to be 73
under an academic watch if it does not make adequate yearly 74
progress and either meets at least thirty-one per cent but less 75
than fifty per cent of the applicable state performance indicators 76
or has a performance index score established by the department. 77

(5) A school district or building shall be declared to be in 78
a state of academic emergency if it does not make adequate yearly 79
progress, does not meet at least thirty-one per cent of the 80

applicable state performance indicators, and has a performance 81
index score established by the department. 82

(6) When designating performance ratings for school districts 83
and buildings under divisions (B)(1) to (5) of this section, the 84
department shall not assign a school district or building a lower 85
designation from its previous year's designation based solely on 86
one subgroup not making adequate yearly progress. 87

~~(7) Division (B)(7) of this section does not apply to any 88
community school established under Chapter 3314. of the Revised 89
Code in which a majority of the students are enrolled in a dropout 90
prevention and recovery program. 91~~

A school district or building shall not be assigned a higher 92
performance rating than in need of continuous improvement if at 93
least ten per cent but not more than fifteen per cent of the 94
enrolled students do not take all achievement tests prescribed for 95
their grade level under section 3301.0710 of the Revised Code from 96
which they are not excused pursuant to division (C)(1) or (3) of 97
section 3301.0711 of the Revised Code. A school district or 98
building shall not be assigned a higher performance rating than 99
under an academic watch if more than fifteen per cent but not more 100
than twenty per cent of the enrolled students do not take all 101
achievement tests prescribed for their grade level under section 102
3301.0710 of the Revised Code from which they are not excused 103
pursuant to division (C)(1) or (3) of section 3301.0711 of the 104
Revised Code. A school district or building shall not be assigned 105
a higher performance rating than in a state of academic emergency 106
if more than twenty per cent of the enrolled students do not take 107
all achievement tests prescribed for their grade level under 108
section 3301.0710 of the Revised Code from which they are not 109
excused pursuant to division (C)(1) or (3) of section 3301.0711 of 110
the Revised Code. 111

(C)(1) The department shall issue annual report cards for 112

each school district, each building within each district, and for 113
the state as a whole reflecting performance on the indicators 114
created by the state board under section 3302.02 of the Revised 115
Code, the performance index score, and adequate yearly progress. 116

(2) The department shall include on the report card for each 117
district information pertaining to any change from the previous 118
year made by the school district or school buildings within the 119
district on any performance indicator. 120

(3) When reporting data on student performance, the 121
department shall disaggregate that data according to the following 122
categories: 123

(a) Performance of students by age group; 124

(b) Performance of students by race and ethnic group; 125

(c) Performance of students by gender; 126

(d) Performance of students grouped by those who have been 127
enrolled in a district or school for three or more years; 128

(e) Performance of students grouped by those who have been 129
enrolled in a district or school for more than one year and less 130
than three years; 131

(f) Performance of students grouped by those who have been 132
enrolled in a district or school for one year or less; 133

(g) Performance of students grouped by those who are 134
economically disadvantaged; 135

(h) Performance of students grouped by those who are enrolled 136
in a conversion community school established under Chapter 3314. 137
of the Revised Code; 138

(i) Performance of students grouped by those who are 139
classified as limited English proficient; 140

(j) Performance of students grouped by those who have 141

disabilities;	142
(k) Performance of students grouped by those who are classified as migrants;	143 144
(l) Performance of students grouped by those who are identified as gifted pursuant to Chapter 3324. of the Revised Code.	145 146 147
The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the department shall disaggregate data on student performance according to any combinations of two or more of the categories listed in divisions (C)(3)(a) to (l) of this section that it deems relevant.	148 149 150 151 152 153
In reporting data pursuant to division (C)(3) of this section, the department shall not include in the report cards any data statistical in nature that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report student performance data for any group identified in division (C)(3) of this section that contains less than ten students.	154 155 156 157 158 159 160
(4) The department may include with the report cards any additional education and fiscal performance data it deems valuable.	161 162 163
(5) The department shall include on each report card a list of additional information collected by the department that is available regarding the district or building for which the report card is issued. When available, such additional information shall include student mobility data disaggregated by race and socioeconomic status, college enrollment data, and the reports prepared under section 3302.031 of the Revised Code.	164 165 166 167 168 169 170
The department shall maintain a site on the world wide web. The report card shall include the address of the site and shall	171 172

specify that such additional information is available to the 173
public at that site. The department shall also provide a copy of 174
each item on the list to the superintendent of each school 175
district. The district superintendent shall provide a copy of any 176
item on the list to anyone who requests it. 177

(6)(a) This division does not apply to conversion community 178
schools that primarily enroll students between sixteen and 179
twenty-two years of age who dropped out of high school or are at 180
risk of dropping out of high school due to poor attendance, 181
disciplinary problems, or suspensions. 182

For any district that sponsors a conversion community school 183
under Chapter 3314. of the Revised Code, the department shall 184
combine data regarding the academic performance of students 185
enrolled in the community school with comparable data from the 186
schools of the district for the purpose of calculating the 187
performance of the district as a whole on the report card issued 188
for the district. 189

(b) Any district that leases a building to a community school 190
located in the district or that enters into an agreement with a 191
community school located in the district whereby the district and 192
the school endorse each other's programs may elect to have data 193
regarding the academic performance of students enrolled in the 194
community school combined with comparable data from the schools of 195
the district for the purpose of calculating the performance of the 196
district as a whole on the district report card. Any district that 197
so elects shall annually file a copy of the lease or agreement 198
with the department. 199

(7) The department shall include on each report card the 200
percentage of teachers in the district or building who are highly 201
qualified, as defined by the "No Child Left Behind Act of 2001," 202
and a comparison of that percentage with the percentages of such 203
teachers in similar districts and buildings. 204

(8) The department shall include on the report card the number of master teachers employed by each district and each building once the data is available from the education management information system established under section 3301.0714 of the Revised Code.

(D)(1) In calculating reading, writing, mathematics, social studies, or science proficiency or achievement test passage rates used to determine school district or building performance under this section, the department shall include all students taking a test with accommodation or to whom an alternate assessment is administered pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code.

(2) In calculating performance index scores, rates of achievement on the performance indicators established by the state board under section 3302.02 of the Revised Code, and adequate yearly progress for school districts and buildings under this section, the department shall do all of the following:

(a) Include for each district or building only those students who are included in the ADM certified for the first full school week of October and are continuously enrolled in the district or building through the time of the spring administration of any test prescribed by section 3301.0710 of the Revised Code that is administered to the student's grade level;

(b) Include cumulative totals from both the fall and spring administrations of the third grade reading achievement test;

(c) Except as required by the "No Child Left Behind Act of 2001" for the calculation of adequate yearly progress, exclude for each district or building any limited English proficient student who has been enrolled in United States schools for less than one full school year.

Sec. 3313.672. (A)(1) At the time of initial entry to a 235
public or nonpublic school, a pupil shall present to the person in 236
charge of admission any records given the pupil by the public or 237
nonpublic elementary or secondary school the pupil most recently 238
attended; a certified copy of an order or decree, or modification 239
of such an order or decree allocating parental rights and 240
responsibilities for the care of a child and designating a 241
residential parent and legal custodian of the child, as provided 242
in division (B) of this section, if that type of order or decree 243
has been issued; a copy of a power of attorney or caretaker 244
authorization affidavit, if either has been executed with respect 245
to the child pursuant to sections 3109.51 to 3109.80 of the 246
Revised Code; and a certification of birth issued pursuant to 247
Chapter 3705. of the Revised Code, a comparable certificate or 248
certification issued pursuant to the statutes of another state, 249
territory, possession, or nation, or a document in lieu of a 250
certificate or certification as described in divisions (A)(1)(a) 251
to (e) of this section. Any of the following shall be accepted in 252
lieu of a certificate or certification of birth by the person in 253
charge of admission: 254

(a) A passport or attested transcript of a passport filed 255
with a registrar of passports at a point of entry of the United 256
States showing the date and place of birth of the child; 257

(b) An attested transcript of the certificate of birth; 258

(c) An attested transcript of the certificate of baptism or 259
other religious record showing the date and place of birth of the 260
child; 261

(d) An attested transcript of a hospital record showing the 262
date and place of birth of the child; 263

(e) A birth affidavit. 264

(2) If a pupil requesting admission to a school of the school district in which the pupil is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code has been discharged or released from the custody of the department of youth services under section 5139.51 of the Revised Code just prior to requesting admission to the school, no school official shall admit that pupil until the records described in divisions (D)(4)(a) to (d) of section 2152.18 of the Revised Code have been received by the superintendent of the school district.

(3) Except as otherwise provided in division (A)(2) of this section, within twenty-four hours of the entry into the school of a pupil described in division (A)(1) of this section, a school official shall request the pupil's official records from the public or nonpublic elementary or secondary school the pupil most recently attended. If the public or nonpublic school the pupil claims to have most recently attended indicates that it has no record of the pupil's attendance or the records are not received within fourteen days of the date of request, or if the pupil does not present a certification of birth described in division (A)(1) of this section, a comparable certificate or certification from another state, territory, possession, or nation, or another document specified in divisions (A)(1)(a) to ~~(d)~~(e) of this section, the principal or chief administrative officer of the school shall notify the law enforcement agency having jurisdiction in the area where the pupil resides of this fact and of the possibility that the pupil may be a missing child, as defined in section 2901.30 of the Revised Code.

(B)(1) Whenever an order or decree allocating parental rights and responsibilities for the care of a child and designating a residential parent and legal custodian of the child, including a temporary order, is issued resulting from an action of divorce, alimony, annulment, or dissolution of marriage, and the order or

decree pertains to a child who is a pupil in a public or nonpublic 297
school, the residential parent of the child shall notify the 298
school of those allocations and designations by providing the 299
person in charge of admission at the pupil's school with a 300
certified copy of the order or decree that made the allocation and 301
designation. Whenever there is a modification of any order or 302
decree allocating parental rights and responsibilities for the 303
care of a child and designating a residential parent and legal 304
custodian of the child that has been submitted to a school, the 305
residential parent shall provide the person in charge of admission 306
at the pupil's school with a certified copy of the order or decree 307
that makes the modification. 308

(2) Whenever a power of attorney is executed under sections 309
3109.51 to 3109.62 of the Revised Code that pertains to a child 310
who is a pupil in a public or nonpublic school, the attorney in 311
fact shall notify the school of the power of attorney by providing 312
the person in charge of admission with a copy of the power of 313
attorney. Whenever a caretaker authorization affidavit is executed 314
under sections 3109.64 to 3109.73 of the Revised Code that 315
pertains to a child who is in a public or nonpublic school, the 316
grandparent who executed the affidavit shall notify the school of 317
the affidavit by providing the person in charge of admission with 318
a copy of the affidavit. 319

(C) If, at the time of a pupil's initial entry to a public or 320
nonpublic school, the pupil is under the care of a shelter for 321
victims of domestic violence, as defined in section 3113.33 of the 322
Revised Code, the pupil or the pupil's parent shall notify the 323
school of that fact. Upon being so informed, the school shall 324
inform the elementary or secondary school from which it requests 325
the pupil's records of that fact. 326

(D) If a pupil seeking admission to a school operated by a 327
school district most recently attended a community school 328

established under Chapter 3314. of the Revised Code, the school 329
official handling the pupil's admission shall request the pupil or 330
the pupil's parent to provide information about the reasons the 331
pupil or the pupil's parent initially chose the community school 332
and the reasons for the pupil's withdrawal from the community 333
school and enrollment in the school in which the pupil is seeking 334
admission. Each school district shall report information collected 335
under this division to the department of education. The department 336
shall compile and post the information on its web site in a manner 337
that does not identify individual pupils or parents. 338

Sec. 3314.012. (A) Within ninety days of September 28, 1999, 339
the superintendent of public instruction shall appoint 340
representatives of the department of education, including 341
employees who work with the education management information 342
system and employees of the office of community schools 343
established by section 3314.11 of the Revised Code, to a committee 344
to develop report card models for community schools. The director 345
of the legislative office of education oversight shall also 346
appoint representatives to the committee. The committee shall 347
design model report cards appropriate for the various types of 348
community schools approved to operate in the state. Sufficient 349
models shall be developed to reflect the variety of grade levels 350
served and the missions of the state's community schools. All 351
models shall include both financial and academic data. The initial 352
models shall be developed by March 31, 2000. 353

(B) The department of education shall issue an annual report 354
card for each community school, regardless of how long the school 355
has been in operation. The report card shall report the academic 356
and financial performance of the school utilizing one of the 357
models developed under division (A) of this section. The report 358
card shall include all information applicable to school buildings 359
under division (A) of section 3302.03 of the Revised Code and 360

section 3302.032 of the Revised Code. 361

(C) Upon receipt of a copy of a contract between a sponsor 362
and a community school entered into under this chapter, the 363
department of education shall notify the community school of the 364
specific model report card that will be used for that school. 365

(D) Report cards shall be distributed to the parents of all 366
students in the community school, to the members of the board of 367
education of the school district in which the community school is 368
located, and to any person who requests one from the department. 369

~~(E) No report card shall be issued for any community school 370
under this section until the school has been open for instruction 371
for two full school years. 372~~

Sec. 3314.015. (A) The department of education shall be 373
responsible for the oversight of sponsors of the community schools 374
established under this chapter and shall provide technical 375
assistance to schools and sponsors in their compliance with 376
applicable laws and the terms of the contracts entered into under 377
section 3314.03 of the Revised Code and in the development and 378
start-up activities of those schools. In carrying out its duties 379
under this section, the department shall do all of the following: 380

(1) In providing technical assistance to proposing parties, 381
governing authorities, and sponsors, conduct training sessions and 382
distribute informational materials; 383

(2) Approve entities to be sponsors of community schools and 384
monitor the effectiveness of those sponsors in their oversight of 385
the schools with which they have contracted; 386

(3) By December thirty-first of each year, issue a report to 387
the governor, the speaker of the house of representatives, the 388
president of the senate, and the chairpersons of the house and 389
senate committees principally responsible for education matters 390

regarding the effectiveness of academic programs, operations, and 391
legal compliance and of the financial condition of all community 392
schools established under this chapter and on the performance of 393
community school sponsors; 394

(4) From time to time, make legislative recommendations to 395
the general assembly designed to enhance the operation and 396
performance of community schools. 397

(B)(1) No entity listed in division (C)(1) of section 3314.02 398
of the Revised Code shall enter into a preliminary agreement under 399
division (C)(2) of section 3314.02 of the Revised Code until it 400
has received approval from the department of education to sponsor 401
community schools under this chapter and has entered into a 402
written agreement with the department regarding the manner in 403
which the entity will conduct such sponsorship. The department 404
shall adopt in accordance with Chapter 119. of the Revised Code 405
rules containing criteria, procedures, and deadlines for 406
processing applications for such approval, for oversight of 407
sponsors, for revocation of the approval of sponsors, and for 408
entering into written agreements with sponsors. The rules shall 409
require an entity to submit evidence of the entity's ability and 410
willingness to comply with the provisions of division (D) of 411
section 3314.03 of the Revised Code. The rules also shall require 412
entities approved as sponsors on and after June 30, 2005, to 413
demonstrate a record of financial responsibility and successful 414
implementation of educational programs. If an entity seeking 415
approval on or after June 30, 2005, to sponsor community schools 416
in this state sponsors or operates schools in another state, at 417
least one of the schools sponsored or operated by the entity must 418
be comparable to or better than the performance of Ohio schools in 419
need of continuous improvement under section 3302.03 of the 420
Revised Code, as determined by the department. 421

An entity that sponsors community schools may enter into 422

preliminary agreements and sponsor schools as follows, provided 423
each school and the contract for sponsorship meets the 424
requirements of this chapter: 425

(a) An entity that sponsored fifty or fewer schools that were 426
open for operation as of May 1, 2005, may sponsor not more than 427
fifty schools. 428

(b) An entity that sponsored more than fifty but not more 429
than seventy-five schools that were open for operation as of May 430
1, 2005, may sponsor not more than the number of schools the 431
entity sponsored that were open for operation as of May 1, 2005. 432

(c) Until June 30, 2006, an entity that sponsored more than 433
seventy-five schools that were open for operation as of May 1, 434
2005, may sponsor not more than the number of schools the entity 435
sponsored that were open for operation as of May 1, 2005. After 436
June 30, 2006, such an entity may sponsor not more than 437
seventy-five schools. 438

Upon approval of an entity to be a sponsor under this 439
division, the department shall notify the entity of the number of 440
schools the entity may sponsor. 441

The limit imposed on an entity to which division (B)(1) of 442
this section applies shall be decreased by one for each school 443
sponsored by the entity that permanently closes. 444

If at any time an entity exceeds the number of schools it may 445
sponsor under this division, the department shall assist the 446
schools in excess of the entity's limit in securing new sponsors. 447
If a school is unable to secure a new sponsor, the department 448
shall assume sponsorship of the school in accordance with division 449
(C) of this section. Those schools for which another sponsor or 450
the department assumes sponsorship shall be the schools that most 451
recently entered into contracts with the entity under section 452
3314.03 of the Revised Code. 453

(2) The department of education shall determine, pursuant to 454
criteria adopted by rule of the department, whether the mission 455
proposed to be specified in the contract of a community school to 456
be sponsored by a state university board of trustees or the 457
board's designee under division (C)(1)(e) of section 3314.02 of 458
the Revised Code complies with the requirements of that division. 459
Such determination of the department is final. 460

(3) The department of education shall determine, pursuant to 461
criteria adopted by rule of the department, if any tax-exempt 462
entity under section 501(c)(3) of the Internal Revenue Code that 463
is proposed to be a sponsor of a community school is an 464
education-oriented entity for purpose of satisfying the condition 465
prescribed in division (C)(1)(f)(iii) of section 3314.02 of the 466
Revised Code. Such determination of the department is final. 467

(C) If at any time the state board of education finds that a 468
sponsor is not in compliance or is no longer willing to comply 469
with its contract with any community school or with the 470
department's rules for sponsorship, the state board or designee 471
shall conduct a hearing in accordance with Chapter 119. of the 472
Revised Code on that matter. If after the hearing, the state board 473
or designee has confirmed the original finding, the department of 474
education may revoke the sponsor's approval to sponsor community 475
schools and may assume the sponsorship of any schools with which 476
the sponsor has contracted until the earlier of the expiration of 477
two school years or until a new sponsor as described in division 478
(C)(1) of section 3314.02 of the Revised Code is secured by the 479
school's governing authority. The department may extend the term 480
of the contract in the case of a school for which it has assumed 481
sponsorship under this division as necessary to accommodate the 482
term of the department's authorization to sponsor the school 483
specified in this division. 484

(D) The decision of the department to disapprove an entity 485

for sponsorship of a community school or to revoke approval for 486
such sponsorship, as provided in division (C) of this section, may 487
be appealed by the entity in accordance with section 119.12 of the 488
Revised Code. 489

(E) The department shall adopt procedures for use by a 490
community school governing authority and sponsor when the school 491
permanently closes and ceases operation, which shall include at 492
least procedures for data reporting to the department, handling of 493
student records, distribution of assets in accordance with section 494
3314.074 of the Revised Code, and other matters related to ceasing 495
operation of the school. 496

(F) In carrying out its duties under this chapter, the 497
department shall not impose requirements on community schools or 498
their sponsors that are not permitted by law or duly adopted 499
rules. 500

Sec. 3314.03. A copy of every contract entered into under 501
this section shall be filed with the superintendent of public 502
instruction. 503

(A) Each contract entered into between a sponsor and the 504
governing authority of a community school shall specify the 505
following: 506

(1) That the school shall be established as either of the 507
following: 508

(a) A nonprofit corporation established under Chapter 1702. 509
of the Revised Code, if established prior to April 8, 2003; 510

(b) A public benefit corporation established under Chapter 511
1702. of the Revised Code, if established after April 8, 2003; 512

(2) The education program of the school, including the 513
school's mission, the characteristics of the students the school 514
is expected to attract, the ages and grades of students, and the 515

focus of the curriculum;	516
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement tests;	517 518 519
(4) Performance standards by which the success of the school will be evaluated by the sponsor;	520 521
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	522 523
(6)(a) Dismissal procedures;	524
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.	525 526 527 528 529 530
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	531 532
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state, and the audits shall be conducted in accordance with section 117.10 of the Revised Code.	533 534 535 536 537 538
(9) The facilities to be used and their locations;	539
(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 in compliance with section 3314.101 of the Revised Code;	540 541 542 543 544 545

(11) That the school will comply with the following requirements: 546
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(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year; 548
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(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school; 551
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(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution; 554
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(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.18, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.643, 3313.648, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.80, 3313.96, 3319.073, 3319.313, 3319.314, 3319.315, 3319.321, 3319.39, 3319.391, 3321.01, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code; 558
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(e) The school shall comply with Chapter 102. and section 2921.42 of the Revised Code; 571
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(f) The school will comply with sections 3313.61, 3313.611, and 3313.614 of the Revised Code, except that for students who enter ninth grade for the first time before July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code 573
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that a person must successfully complete the curriculum in any 577
high school prior to receiving a high school diploma may be met by 578
completing the curriculum adopted by the governing authority of 579
the community school rather than the curriculum specified in Title 580
XXXIII of the Revised Code or any rules of the state board of 581
education. Beginning with students who enter ninth grade for the 582
first time on or after July 1, 2010, the requirement in sections 583
3313.61 and 3313.611 of the Revised Code that a person must 584
successfully complete the curriculum of a high school prior to 585
receiving a high school diploma shall be met by completing the 586
Ohio core curriculum prescribed in division (C) of section 587
3313.603 of the Revised Code, unless the person qualifies under 588
division (D) or (F) of that section. Each school shall comply with 589
the plan for awarding high school credit based on demonstration of 590
subject area competency, adopted by the state board of education 591
under division (J) of section 3313.603 of the Revised Code. 592

(g) The school governing authority will submit within four 593
months after the end of each school year a report of its 594
activities and progress in meeting the goals and standards of 595
divisions (A)(3) and (4) of this section and its financial status 596
to the sponsor and the parents of all students enrolled in the 597
school. 598

(h) The school, unless it is an internet- or computer-based 599
community school, will comply with section 3313.801 of the Revised 600
Code as if it were a school district. 601

(12) Arrangements for providing health and other benefits to 602
employees; 603

(13) The length of the contract, which shall begin at the 604
beginning of an academic year. No contract shall exceed five years 605
unless such contract has been renewed pursuant to division (E) of 606
this section. 607

(14) The governing authority of the school, which shall be 608
responsible for carrying out the provisions of the contract; 609

(15) A financial plan detailing an estimated school budget 610
for each year of the period of the contract and specifying the 611
total estimated per pupil expenditure amount for each such year. 612
The plan shall specify for each year the base formula amount that 613
will be used for purposes of funding calculations under section 614
3314.08 of the Revised Code. This base formula amount for any year 615
shall not exceed the formula amount defined under section 3317.02 616
of the Revised Code. The plan may also specify for any year a 617
percentage figure to be used for reducing the per pupil amount of 618
the subsidy calculated pursuant to section 3317.029 of the Revised 619
Code the school is to receive that year under section 3314.08 of 620
the Revised Code. 621

(16) Requirements and procedures regarding the disposition of 622
employees of the school in the event the contract is terminated or 623
not renewed pursuant to section 3314.07 of the Revised Code; 624

(17) Whether the school is to be created by converting all or 625
part of an existing public school or is to be a new start-up 626
school, and if it is a converted public school, specification of 627
any duties or responsibilities of an employer that the board of 628
education that operated the school before conversion is delegating 629
to the governing board of the community school with respect to all 630
or any specified group of employees provided the delegation is not 631
prohibited by a collective bargaining agreement applicable to such 632
employees; 633

(18) Provisions establishing procedures for resolving 634
disputes or differences of opinion between the sponsor and the 635
governing authority of the community school; 636

(19) A provision requiring the governing authority to adopt a 637
policy regarding the admission of students who reside outside the 638

district in which the school is located. That policy shall comply 639
with the admissions procedures specified in sections 3314.06 and 640
3314.061 of the Revised Code and, at the sole discretion of the 641
authority, shall do one of the following: 642

(a) Prohibit the enrollment of students who reside outside 643
the district in which the school is located; 644

(b) Permit the enrollment of students who reside in districts 645
adjacent to the district in which the school is located; 646

(c) Permit the enrollment of students who reside in any other 647
district in the state. 648

(20) A provision recognizing the authority of the department 649
of education to take over the sponsorship of the school in 650
accordance with the provisions of division (C) of section 3314.015 651
of the Revised Code; 652

(21) A provision recognizing the sponsor's authority to 653
assume the operation of a school under the conditions specified in 654
division (B) of section 3314.073 of the Revised Code; 655

(22) A provision recognizing both of the following: 656

(a) The authority of public health and safety officials to 657
inspect the facilities of the school and to order the facilities 658
closed if those officials find that the facilities are not in 659
compliance with health and safety laws and regulations; 660

(b) The authority of the department of education as the 661
community school oversight body to suspend the operation of the 662
school under section 3314.072 of the Revised Code if the 663
department has evidence of conditions or violations of law at the 664
school that pose an imminent danger to the health and safety of 665
the school's students and employees and the sponsor refuses to 666
take such action; 667

(23) A description of the learning opportunities that will be 668

offered to students including both classroom-based and 669
non-classroom-based learning opportunities that is in compliance 670
with criteria for student participation established by the 671
department under division (L)(2) of section 3314.08 of the Revised 672
Code; 673

(24) The school will comply with section 3302.04 of the 674
Revised Code, including division (E) of that section to the extent 675
possible, except that any action required to be taken by a school 676
district pursuant to that section shall be taken by the sponsor of 677
the school. However, the sponsor shall not be required to take any 678
action described in division (F) of that section. 679

(25) Beginning in the 2006-2007 school year, the school will 680
open for operation not later than the thirtieth day of September 681
each school year, unless the mission of the school as specified 682
under division (A)(2) of this section is solely to serve dropouts. 683
In its initial year of operation, if the school fails to open by 684
the thirtieth day of September, or within one year after the 685
adoption of the contract pursuant to division (D) of section 686
3314.02 of the Revised Code if the mission of the school is solely 687
to serve dropouts, the contract shall be void. 688

(B) The community school shall also submit to the sponsor a 689
comprehensive plan for the school. The plan shall specify the 690
following: 691

(1) The process by which the governing authority of the 692
school will be selected in the future; 693

(2) The management and administration of the school; 694

(3) If the community school is a currently existing public 695
school, alternative arrangements for current public school 696
students who choose not to attend the school and teachers who 697
choose not to teach in the school after conversion; 698

(4) The instructional program and educational philosophy of 699

the school; 700

(5) Internal financial controls. 701

(C) A contract entered into under section 3314.02 of the 702
Revised Code between a sponsor and the governing authority of a 703
community school may provide for the community school governing 704
authority to make payments to the sponsor, which is hereby 705
authorized to receive such payments as set forth in the contract 706
between the governing authority and the sponsor. The total amount 707
of such payments for oversight and monitoring of the school shall 708
not exceed three per cent of the total amount of payments for 709
operating expenses that the school receives from the state. 710

(D) The contract shall specify the duties of the sponsor 711
which shall be in accordance with the written agreement entered 712
into with the department of education under division (B) of 713
section 3314.015 of the Revised Code and shall include the 714
following: 715

(1) Monitor the community school's compliance with all laws 716
applicable to the school and with the terms of the contract; 717

(2) Monitor and evaluate the academic and fiscal performance 718
and the organization and operation of the community school on at 719
least an annual basis; 720

(3) Report on an annual basis the results of the evaluation 721
conducted under division (D)(2) of this section to the department 722
of education and to the parents of students enrolled in the 723
community school; 724

(4) Provide technical assistance to the community school in 725
complying with laws applicable to the school and terms of the 726
contract; 727

(5) Take steps to intervene in the school's operation to 728
correct problems in the school's overall performance, declare the 729

school to be on probationary status pursuant to section 3314.073 730
of the Revised Code, suspend the operation of the school pursuant 731
to section 3314.072 of the Revised Code, or terminate the contract 732
of the school pursuant to section 3314.07 of the Revised Code as 733
determined necessary by the sponsor; 734

(6) Have in place a plan of action to be undertaken in the 735
event the community school experiences financial difficulties or 736
closes prior to the end of a school year. 737

(E) Upon the expiration of a contract entered into under this 738
section, the sponsor of a community school may, with the approval 739
of the governing authority of the school, renew that contract for 740
a period of time determined by the sponsor, but not ending earlier 741
than the end of any school year, if the sponsor finds that the 742
school's compliance with applicable laws and terms of the contract 743
and the school's progress in meeting the academic goals prescribed 744
in the contract have been satisfactory. Any contract that is 745
renewed under this division remains subject to the provisions of 746
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 747

(F) If a community school fails to open for operation within 748
one year after the contract entered into under this section is 749
adopted pursuant to division (D) of section 3314.02 of the Revised 750
Code or permanently closes prior to the expiration of the 751
contract, the contract shall be void and the school shall not 752
enter into a contract with any other sponsor. A school shall not 753
be considered permanently closed because the operations of the 754
school have been suspended pursuant to section 3314.072 of the 755
Revised Code. Any contract that becomes void under this division 756
shall not count toward any statewide limit on the number of such 757
contracts prescribed by section 3314.013 of the Revised Code. 758

Sec. 3314.101. Each community school shall do both of the 759
following in the same manner as required of a school district: 760

(A) Comply with the provisions of section 3319.074 of the Revised Code, except that the prohibition in division (B) of that section shall apply only to teachers hired by the school on or after the effective date of this section; 761
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(B) Employ as classroom teachers only persons who are licensed under sections 3319.22 to 3319.31 of the Revised Code in a manner that is in compliance with any rules of the state board of education that either implement those sections or otherwise require teachers to teach in the subject areas or grade levels for which they are licensed. 765
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A community school may engage persons issued permits under section 3319.301, 3319.302, or 3319.304 of the Revised Code in the same manner as may school districts. 771
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Sec. 3314.19. The sponsor of each community school annually shall provide the following assurances in writing to the department of education not later than ten business days prior to the opening of the school: 774
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(A) That a current copy of the contract between the sponsor and the governing authority of the school entered into under section 3314.03 of the Revised Code has been filed with the state office of community schools established under section 3314.11 of the Revised Code and that any subsequent modifications to that contract will be filed with the office; 778
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(B) That the school has submitted to the sponsor a plan for providing special education and related services to students with disabilities and has demonstrated the capacity to provide those services in accordance with Chapter 3323. of the Revised Code and federal law; 784
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(C) That the school has a plan and procedures for administering the achievement tests and diagnostic assessments 789
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prescribed by sections 3301.0710 and 3301.0715 of the Revised Code; 791
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(D) That school personnel have the necessary training, 793
knowledge, and resources to properly use and submit information to 794
all databases maintained by the department for the collection of 795
education data, including the education management information 796
system established under section 3301.0714 of the Revised Code in 797
accordance with methods and timelines established under section 798
3314.17 of the Revised Code; 799

(E) That all required information about the school has been 800
submitted to the Ohio education directory system or any successor 801
system; 802

(F) That the school will enroll at least the minimum number 803
of students required by division (A)(11)(a) of section 3314.03 of 804
the Revised Code in the school year for which the assurances are 805
provided; 806

(G) That all classroom teachers are licensed in accordance 807
with ~~sections 3319.22 to 3319.31 of the Revised Code, except for~~ 808
~~noncertificated persons engaged to teach up to twelve hours per~~ 809
~~week pursuant to section 3319.301~~ 3314.101 of the Revised Code; 810

(H) That the school's fiscal officer is in compliance with 811
section 3314.011 of the Revised Code; 812

(I) That the school has complied with section 3319.39 of the 813
Revised Code with respect to all employees and that the school has 814
conducted a criminal records check of each of its governing 815
authority members; 816

(J) That the school holds all of the following: 817

(1) Proof of property ownership or a lease for the facilities 818
used by the school; 819

(2) A certificate of occupancy; 820

(3) Liability insurance for the school, as required by 821
division (A)(11)(b) of section 3314.03 of the Revised Code, that 822
the sponsor considers sufficient to indemnify the school's 823
facilities, staff, and governing authority against risk; 824

(4) A satisfactory health and safety inspection; 825

(5) A satisfactory fire inspection; 826

(6) A valid food permit, if applicable. 827

(K) That the sponsor has conducted a pre-opening site visit 828
to the school for the school year for which the assurances are 829
provided; 830

(L) That the school has designated a date it will open for 831
the school year for which the assurances are provided that is in 832
compliance with division (A)(25) of section 3314.03 of the Revised 833
Code; 834

(M) That the school has met all of the sponsor's requirements 835
for opening and any other requirements of the sponsor. 836

Sec. 3314.21. (A) As used in this section: 837

(1) "Harmful to juveniles" has the same meaning as in section 838
2907.01 of the Revised Code. 839

(2) "Obscene" has the same meaning as in division (F) of 840
section 2907.01 of the Revised Code as that division has been 841
construed by the supreme court of this state. 842

(3) "Teacher of record" means a teacher who is responsible 843
for the overall academic development and achievement of a student 844
and not merely the student's instruction in any single subject. 845

(B)~~(1)~~ (1) It is the intent of the general assembly that 846
teachers employed by internet- or computer-based community schools 847
conduct visits with their students in person throughout the school 848
year. 849

(2) Each internet- or computer-based community school shall 850
retain an affiliation with at least one full-time teacher of 851
record licensed in accordance with ~~division (A)(10)~~ of section 852
~~3314.03~~ 3314.101 of the Revised Code. 853

(3) Each student enrolled in an internet- or computer-based 854
community school shall be assigned to at least one teacher of 855
record. No teacher of record shall be primarily responsible for 856
the academic development and achievement of more than one hundred 857
twenty-five students enrolled in the internet- or computer-based 858
community school that has retained that teacher. 859

(C) For any internet- or computer-based community school, the 860
contract between the sponsor and the governing authority of the 861
school described in section 3314.03 of the Revised Code shall 862
specify each of the following: 863

(1) A requirement that the school use a filtering device or 864
install filtering software that protects against internet access 865
to materials that are obscene or harmful to juveniles on each 866
computer provided to students for instructional use. The school 867
shall provide such device or software at no cost to any student 868
who works primarily from the student's residence on a computer 869
obtained from a source other than the school. 870

(2) A plan for fulfilling the intent of the general assembly 871
specified in division (B)(1) of this section. The plan shall 872
indicate the number of times teachers will visit each student 873
throughout the school year and the manner in which those visits 874
will be conducted. 875

(3) That the school will set up a central base of operation 876
and the sponsor will maintain a representative within fifty miles 877
of that base of operation to provide monitoring and assistance. 878

Sec. 3314.38. (A) Each community school shall maintain in an 879

orderly manner the complete educational records of each student 880
who is or has been enrolled in the school. Upon request, the 881
community school promptly shall forward a student's educational 882
records to any public or nonpublic school in which the student 883
enrolls after withdrawing from or completing the highest grade 884
offered by the community school. 885

(B) The state board of education shall adopt rules under 886
Chapter 119. of the Revised Code prescribing the process and forms 887
for community schools to use when forwarding student educational 888
records to another school. 889

Sec. 3314.39. (A) The department of education shall conduct 890
an on-site visit of each community school at least every three 891
years to evaluate the school's operations. During each visit, the 892
department shall do all of the following: 893

(1) Determine if the school has complied with the terms of 894
the contract with its sponsor; 895

(2) Determine if the school has complied with all laws 896
regarding community school academic and fiscal accountability and 897
with all other applicable laws and administrative rules; 898

(3) Corroborate the information reported to the department by 899
the sponsor under division (D)(3) of section 3314.03 of the 900
Revised Code; 901

(4) Review the school's progress in implementing a continuous 902
improvement plan developed under division (B) of section 3302.04 903
of the Revised Code, if applicable. 904

(B) Each on-site visit conducted under this section may 905
include school tours, classroom observations, and interviews with 906
administrators, teachers, other school staff, parents, or 907
students. 908

(C) Each community school shall provide any data, documents, or other materials the department considers necessary to enable it to conduct a thorough on-site visit. 909
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(D) Upon completion of each on-site visit, the department shall issue a written report summarizing its findings. The department shall provide a copy of the report to the sponsor and governing authority of the community school. The sponsor or the governing authority may submit factual corrections to the department by a deadline established by the department. Upon receipt of any factual corrections, the department shall revise the report and issue a final version. The department shall post the final version of the report on its web site. 912
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(E) The sponsor of a community school may consider findings contained in the report issued under division (D) of this section in deciding whether to place the school in probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the school's contract pursuant to section 3314.07 of the Revised Code. If the sponsor fails to take any of these actions that the department determines are warranted based on the findings in the report, the department may revoke the sponsor's approval to sponsor community schools in accordance with division (C) of section 3314.015 of the Revised Code. 921
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(F) Any on-site visit required by this section may be conducted in conjunction with a site evaluation required under division (D) of section 3302.04 of the Revised Code. 932
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(G) The state board of education shall adopt rules to implement this section. 935
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Section 2. That existing sections 3302.03, 3313.672, 3314.012, 3314.015, 3314.03, 3314.19, and 3314.21 of the Revised Code are hereby repealed. 937
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