

# As Introduced

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Representative Morgan

Cosponsors: Representatives Combs, Grossman, Huffman, Lehner, Martin,  
McGregor, Uecker

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## A B I L L

To amend sections 3314.013, 3314.014, 3314.016, 1  
3314.02, 3314.021, 3314.03, 3314.05, 3319.22, 2  
3319.223, and 3319.61 and to enact section 3  
3319.227 of the Revised Code to allow new 4  
Internet- or computer-based community schools to 5  
open under certain conditions, to require the use 6  
of student performance data in evaluating teachers 7  
and principals for licensure, and to qualify Teach 8  
for America participants for a professional 9  
educator license. 10

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

**Section 1.** That sections 3314.013, 3314.014, 3314.016, 11  
3314.02, 3314.021, 3314.03, 3314.05, 3319.22, 3319.223, and 12  
3319.61 be amended and section 3319.227 of the Revised Code be 13  
enacted to read as follows: 14

**Sec. 3314.013.** (A)(1) ~~Until July 1, 2000, no more than~~ 15  
~~seventy-five contracts between start-up schools and the state~~ 16  
~~board of education may be in effect outside the pilot project area~~ 17  
~~at any time under this chapter.~~ 18

~~(2) After July 1, 2000, and until July 1, 2001, no more than one hundred twenty five contracts between start up schools and the state board of education may be in effect outside the pilot project area at any time under this chapter.~~

~~(3) This division applies only to contracts between start up schools and the state board of education and contracts between start up schools and entities described in divisions (C)(1)(b) to (f) of section 3314.02 of the Revised Code.~~

~~Until July 1, 2005, not more than two hundred twenty five contracts to which this division applies may be in effect at any time under this chapter.~~

~~(4) This division applies only to contracts between start up schools and entities described in divisions (C)(1)(b) to (f) of section 3314.02 of the Revised Code.~~

~~Except as otherwise provided in section 3314.014 of the Revised Code, after July 1, 2005, and until July 1, 2007, the number of contracts to which this division applies in effect at any time under this chapter shall be not more than thirty plus the number of such contracts with schools that were open for operation as of May 1, 2005.~~

~~(5) This division applies only to contracts between a conversion school that is an internet or computer based community school or a start up school and the board of education of the school district in which the school is or is proposed to be located.~~

~~Except as otherwise provided in section 3314.014 of the Revised Code, until July 1, 2007, the number of contracts to which this division applies in effect at any time under this chapter shall be not more than thirty plus the number of such contracts with schools that were open for operation as of May 1, 2005.~~

~~(6) Until Except as otherwise provided in division (B) of~~

this section, until the effective date of any standards enacted by 50  
the general assembly governing the operation of internet- or 51  
computer-based community schools, no internet- or computer-based 52  
community school shall operate unless the school was open for 53  
instruction as of May 1, 2005. No entity described in division 54  
(C)(1) of section 3314.02 of the Revised Code shall enter into a 55  
contract to sponsor an internet- or computer-based community 56  
school, including a conversion school, between May 1, 2005, and 57  
the effective date of any standards enacted by the general 58  
assembly governing the operation of internet- or computer-based 59  
community schools, except as follows: 60

~~(a) Any (1) The entity described in division (C)(1) of that~~ 61  
~~section~~ may renew a contract that the entity entered into with an 62  
internet- or computer-based community school prior to May 1, 2005, 63  
if the school was open for operation as of that date. 64

~~(b) Any (2) The entity described in divisions (C)(1)(a) to~~ 65  
~~(e) of that section~~ may assume sponsorship of an existing 66  
internet- or computer-based community school that was formerly 67  
sponsored by another entity and may enter into a contract with 68  
that community school in accordance with section 3314.03 of the 69  
Revised Code. 70

~~(c) Any entity described in division (C)(1)(f) of that~~ 71  
~~section may assume sponsorship of an existing internet- or~~ 72  
~~computer-based community school in accordance with division (A)(7)~~ 73  
~~of this section and may enter into a contract with that community~~ 74  
~~school in accordance with section 3314.03 of the Revised Code.~~ 75

If a sponsor entered into a contract with an internet- or 76  
computer-based community school, including a conversion school, 77  
but the school was not open for operation as of May 1, 2005, the 78  
contract shall be void and, except as otherwise provided in 79  
division (B) of this section, the entity shall not enter into 80  
another contract with the school until the effective date of any 81

standards enacted by the general assembly governing the operation 82  
of internet- or computer-based community schools. 83

~~(7) Until July 1, 2005, any entity described in division 84  
(C)(1)(f) of section 3314.02 of the Revised Code may sponsor only 85  
a community school that formerly was sponsored by the state board 86  
of education under division (C)(1)(d) of that section, as it 87  
existed prior to April 8, 2003. After July 1, 2005, any such 88  
entity may assume sponsorship of any existing community school, 89  
and may sponsor any new community school that is not an internet- 90  
or computer-based community school. Beginning on the effective 91  
date of any standards enacted by the general assembly governing 92  
the operation of internet- or computer-based community schools, 93  
any such entity may sponsor a new internet- or computer-based 94  
community school. 95~~

~~(8)(B) For each community school that an entity sponsors 96  
that, on or after September 1, 2009, has a rating of in need of 97  
continuous improvement or higher under section 3302.03 of the 98  
Revised Code, the sponsor may enter into a contract to sponsor a 99  
new internet- or computer-based community school, including a 100  
conversion school, in accordance with section 3314.03 of the 101  
Revised Code. Each new start-up school with which the sponsor 102  
enters into a contract under this division shall comply with 103  
division (A) of section 3314.016 of the Revised Code. 104~~

~~(C) Nothing in division (A) of this section prohibits a an 105  
internet- or computer-based community school from increasing the 106  
number of grade levels it offers. 107~~

~~(B)(D) Within twenty-four hours of a request by any person, 108  
the superintendent of public instruction shall indicate the number 109  
of preliminary agreements for start-up schools currently 110  
outstanding and the number of contracts for these schools in 111  
effect at the time of the request. 112~~

~~(C) It is the intent of the general assembly to consider whether to provide limitations on the number of start up community schools after July 1, 2001, following its examination of the results of the studies by the legislative office of education oversight required under Section 50.39 of Am. Sub. H.B. No. 215 of the 122nd general assembly and Section 50.52.2 of Am. Sub. H.B. No. 215 of the 122nd general assembly, as amended by Am. Sub. H.B. No. 770 of the 122nd general assembly.~~

**Sec. 3314.014.** ~~(A)~~ As used in this chapter, "operator" means either of the following:

~~(1)(A)~~ An individual or organization that manages the daily operations of a community school pursuant to a contract between the operator and the school's governing authority;

~~(2)(B)~~ A nonprofit organization that provides programmatic oversight and support to a community school under a contract with the school's governing authority and that retains the right to terminate its affiliation with the school if the school fails to meet the organization's quality standards.

~~(B)(1)~~ Notwithstanding the limit prescribed by division ~~(A)(4)~~ of section 3314.013 of the Revised Code, a start up school sponsored by an entity described in divisions ~~(C)(1)(b) to (f)~~ of section 3314.02 of the Revised Code may be established after the date that limit is reached, provided the school's governing authority enters into a contract with an operator permitted to manage the school under division ~~(C)~~ of this section.

~~(2)~~ Notwithstanding the limit prescribed by division ~~(A)(5)~~ of section 3314.013 of the Revised Code, a conversion school that is an internet or computer based community school or a start up school sponsored by the school district in which the school is or is proposed to be located may be established after the date that limit is reached, provided the school's governing authority enters

~~into a contract with an operator permitted to manage the school 144~~  
~~under division (C) of this section. However, a conversion school 145~~  
~~that is an internet or computer based community school may be 146~~  
~~established after that date only if the prohibition prescribed by 147~~  
~~division (A)(6) of section 3314.013 of the Revised Code is no 148~~  
~~longer in effect. 149~~

~~(C) An operator may enter into contracts with the governing 150~~  
~~authorities of community schools established after the date the 151~~  
~~limit prescribed by division (A)(4) or (5) of section 3314.013 of 152~~  
~~the Revised Code, as applicable, is reached, provided the total 153~~  
~~number of schools for which the operator enters into such 154~~  
~~contracts, excluding conversion schools that are not internet or 155~~  
~~computer based community schools, does not exceed the number of 156~~  
~~community schools managed by the operator in Ohio or other states 157~~  
~~on the applicable date that are rated excellent, effective, or in 158~~  
~~need of continuous improvement pursuant to section 3302.03 of the 159~~  
~~Revised Code or perform comparably to schools so rated, as 160~~  
~~determined by the department of education. 161~~

~~(D) Notwithstanding the limit prescribed by division (A)(4) 162~~  
~~of section 3314.013 of the Revised Code, after the date the limit 163~~  
~~prescribed in that division is reached, the governing authority of 164~~  
~~a start-up school sponsored by an entity described in divisions 165~~  
~~(C)(1)(b) to (f) of section 3314.02 of the Revised Code may 166~~  
~~establish one additional school serving the same grade levels and 167~~  
~~providing the same educational program as the current start-up 168~~  
~~school and may open that additional school in the 2006-2007 school 169~~  
~~year, if both of the following conditions are met: 170~~

~~(1) The governing authority entered into another contract 171~~  
~~with the same sponsor or a different sponsor described in 172~~  
~~divisions (C)(1)(b) to (f) of section 3314.02 of the Revised Code 173~~  
~~and filed a copy of that contract with the superintendent of 174~~  
~~public instruction prior to March 15, 2006. 175~~

~~(2) The governing authority's current school satisfies all of~~ 176  
~~the following conditions:~~ 177

~~(a) The school currently is rated as excellent or effective~~ 178  
~~pursuant to section 3302.03 of the Revised Code.~~ 179

~~(b) The school made adequate yearly progress, as defined in~~ 180  
~~section 3302.01 of the Revised Code, for the previous school year.~~ 181

~~(c) The school has been in operation for at least four school~~ 182  
~~years.~~ 183

~~(d) The school is not managed by an operator.~~ 184

**Sec. 3314.016.** (A) ~~After June 30, 2007, a~~ The governing 185  
authority of each new start-up school ~~may be~~ established under 186  
this chapter ~~only if the school's governing authority enters after~~ 187  
June 30, 2007, shall enter into a contract with an operator that 188  
manages other schools in the United States that perform at a level 189  
higher than academic watch. The governing authority of the 190  
community school may sign a contract with an operator only if the 191  
operator has fewer contracts with the governing authorities of new 192  
start-up schools established under this chapter after June 30, 193  
2007, than the number of schools managed by the operator in the 194  
United States that perform at a level higher than academic watch, 195  
as determined by the department of education. However, the 196  
governing authority shall not contract with an operator that 197  
currently manages any community schools in Ohio for which the 198  
department issues annual report cards under section 3314.012 of 199  
the Revised Code, unless the latest report card issued for at 200  
least one of those schools designates a performance rating under 201  
section 3302.03 of the Revised Code of in need of continuous 202  
improvement or higher. 203

(B) Notwithstanding division (A) of this section, the 204  
governing authority of a start-up school sponsored by an entity 205

described in divisions (C)(1)(b) to (f) of section 3314.02 of the Revised Code may establish one additional school serving the same grade levels and providing the same educational program as the current start-up school and may open that additional school in the 2007-2008 school year, if both of the following conditions are met:

(1) The governing authority entered into another contract with the same sponsor or a different sponsor described in divisions (C)(1)(b) to (f) of section 3314.02 of the Revised Code and filed a copy of that contract with the superintendent of public instruction prior to March 15, 2006.

(2) The governing authority's current school satisfies all of the following conditions:

(a) The school currently is rated as excellent or effective pursuant to section 3302.03 of the Revised Code.

(b) The school made adequate yearly progress, as defined in section 3302.01 of the Revised Code, for the previous school year.

(c) The school has been in operation for at least four school years.

(d) The school is not managed by an operator.

(C) Notwithstanding division (A) of this section, the governing authority of a start-up school sponsored by the big eight school district in which the school is located may establish one additional start-up school that is located in the same school district and that provides a general educational program to students in any or all of grades kindergarten through five to facilitate their transition to the current start-up school, and may open the additional start-up school in the 2009-2010 school year, if both of the following conditions are met:

(1) The governing authority enters into another contract with



the same sponsor and files a copy of the contract with the	236
superintendent of public instruction prior to March 15, 2009.	237
(2) The governing authority's current school satisfies all of	238
the following conditions:	239
(a) The school provided instruction to students for eleven	240
months in the previous school year.	241
(b) The school has been in operation for at least two school	242
years.	243
(c) The school qualified to be rated in need of continuous	244
improvement or higher pursuant to section 3302.03 of the Revised	245
Code for its first school year of operation, even though the	246
department of education did not issue a report card for the school	247
for that school year.	248
<b>Sec. 3314.02.</b> (A) As used in this chapter:	249
(1) "Sponsor" means an entity listed in division (C)(1) of	250
this section, which has been approved by the department of	251
education to sponsor community schools and with which the	252
governing authority of the proposed community school enters into a	253
contract pursuant to this section.	254
(2) "Pilot project area" means the school districts included	255
in the territory of the former community school pilot project	256
established by former Section 50.52 of Am. Sub. H.B. No. 215 of	257
the 122nd general assembly.	258
(3) "Challenged school district" means any of the following:	259
(a) A school district that is part of the pilot project area;	260
(b) A school district that is either in a state of academic	261
emergency or in a state of academic watch under section 3302.03 of	262
the Revised Code;	263
(c) A big eight school district.	264

(4) "Big eight school district" means a school district that 265  
for fiscal year 1997 had both of the following: 266

(a) A percentage of children residing in the district and 267  
participating in the predecessor of Ohio works first greater than 268  
thirty per cent, as reported pursuant to section 3317.10 of the 269  
Revised Code; 270

(b) An average daily membership greater than twelve thousand, 271  
as reported pursuant to former division (A) of section 3317.03 of 272  
the Revised Code. 273

(5) "New start-up school" means a community school other than 274  
one created by converting all or part of an existing public school 275  
or educational service center building, as designated in the 276  
school's contract pursuant to division (A)(17) of section 3314.03 277  
of the Revised Code. 278

(6) "Urban school district" means one of the state's 279  
twenty-one urban school districts as defined in division (O) of 280  
section 3317.02 of the Revised Code as that section existed prior 281  
to July 1, 1998. 282

(7) "Internet- or computer-based community school" means a 283  
community school established under this chapter in which the 284  
enrolled students work primarily from their residences on 285  
assignments in nonclassroom-based learning opportunities provided 286  
via an internet- or other computer-based instructional method that 287  
does not rely on regular classroom instruction or via 288  
comprehensive instructional methods that include internet-based, 289  
other computer-based, and noncomputer-based learning 290  
opportunities. 291

(B) Any person or group of individuals may initially propose 292  
under this division the conversion of all or a portion of a public 293  
school or a building operated by an educational service center to 294  
a community school. The proposal shall be made to the board of 295

education of the city, local, exempted village, or joint 296  
vocational school district in which the public school is proposed 297  
to be converted or, in the case of the conversion of a building 298  
operated by an educational service center, to the governing board 299  
of the service center. Upon receipt of a proposal, a board may 300  
enter into a preliminary agreement with the person or group 301  
proposing the conversion of the public school or service center 302  
building, indicating the intention of the board to support the 303  
conversion to a community school. A proposing person or group that 304  
has a preliminary agreement under this division may proceed to 305  
finalize plans for the school, establish a governing authority for 306  
the school, and negotiate a contract with the board. Provided the 307  
proposing person or group adheres to the preliminary agreement and 308  
all provisions of this chapter, the board shall negotiate in good 309  
faith to enter into a contract in accordance with section 3314.03 310  
of the Revised Code and division (C) of this section. 311  
312

(C)(1) Any person or group of individuals may propose under 313  
this division the establishment of a new start-up school to be 314  
located in a challenged school district. The proposal may be made 315  
to any of the following entities: 316

(a) The board of education of the district in which the 317  
school is proposed to be located; 318

(b) The board of education of any joint vocational school 319  
district with territory in the county in which is located the 320  
majority of the territory of the district in which the school is 321  
proposed to be located; 322

(c) The board of education of any other city, local, or 323  
exempted village school district having territory in the same 324  
county where the district in which the school is proposed to be 325  
located has the major portion of its territory; 326

(d) The governing board of any educational service center, as 327  
long as the proposed school will be located in a county within the 328  
territory of the service center or in a county contiguous to such 329  
county; 330

(e) A sponsoring authority designated by the board of 331  
trustees of any of the thirteen state universities listed in 332  
section 3345.011 of the Revised Code or the board of trustees 333  
itself as long as a mission of the proposed school to be specified 334  
in the contract under division (A)(2) of section 3314.03 of the 335  
Revised Code and as approved by the department of education under 336  
division (B)(2) of section 3314.015 of the Revised Code will be 337  
the practical demonstration of teaching methods, educational 338  
technology, or other teaching practices that are included in the 339  
curriculum of the university's teacher preparation program 340  
approved by the state board of education; 341

(f) Any qualified tax-exempt entity under section 501(c)(3) 342  
of the Internal Revenue Code as long as all of the following 343  
conditions are satisfied: 344

(i) The entity has been in operation for at least five years 345  
prior to applying to be a community school sponsor. 346

(ii) The entity has assets of at least five hundred thousand 347  
dollars and a demonstrated record of financial responsibility. 348

(iii) The department of education has determined that the 349  
entity is an education-oriented entity under division (B)(3) of 350  
section 3314.015 of the Revised Code and the entity has a 351  
demonstrated record of successful implementation of educational 352  
programs. 353

(iv) The entity is not a community school. 354

Any entity described in division (C)(1) of this section may 355  
enter into a preliminary agreement pursuant to division (C)(2) of 356  
this section with the proposing person or group. 357

(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.

(D) A majority vote of the board of a sponsoring entity and a majority vote of the members of the governing authority of a community school shall be required to adopt a contract and convert the public school or educational service center building to a community school or establish the new start-up school. Beginning September 29, 2005, adoption of the contract shall occur not later than the fifteenth day of March, and signing of the contract shall occur not later than the fifteenth day of May, prior to the school year in which the school will open. The governing authority shall notify the department of education when the contract has been signed. Subject to sections 3314.013, ~~3314.014~~, 3314.016, and 3314.017 of the Revised Code, an unlimited number of community

schools may be established in any school district provided that a 390  
contract is entered into for each community school pursuant to 391  
this chapter. 392

(E)(1) As used in this division, "immediate relatives" are 393  
limited to spouses, children, parents, grandparents, siblings, and 394  
in-laws. 395

Each new start-up community school established under this 396  
chapter shall be under the direction of a governing authority 397  
which shall consist of a board of not less than five individuals. 398

No person shall serve on the governing authority or operate 399  
the community school under contract with the governing authority 400  
so long as the person owes the state any money or is in a dispute 401  
over whether the person owes the state any money concerning the 402  
operation of a community school that has closed. 403

(2) No person shall serve on the governing authorities of 404  
more than two start-up community schools at the same time. 405

(3) No present or former member, or immediate relative of a 406  
present or former member, of the governing authority of any 407  
community school established under this chapter shall be an owner, 408  
employee, or consultant of any nonprofit or for-profit operator of 409  
a community school, unless at least one year has elapsed since the 410  
conclusion of the person's membership. 411

(F)(1) A new start-up school that is established prior to 412  
August 15, 2003, in an urban school district that is not also a 413  
big-eight school district may continue to operate after that date 414  
and the contract between the school's governing authority and the 415  
school's sponsor may be renewed, as provided under this chapter, 416  
after that date, but no additional new start-up schools may be 417  
established in such a district unless the district is a challenged 418  
school district as defined in this section as it exists on and 419  
after that date. 420

(2) A community school that was established prior to June 29, 421  
1999, and is located in a county contiguous to the pilot project 422  
area and in a school district that is not a challenged school 423  
district may continue to operate after that date, provided the 424  
school complies with all provisions of this chapter. The contract 425  
between the school's governing authority and the school's sponsor 426  
may be renewed, but no additional start-up community school may be 427  
established in that district unless the district is a challenged 428  
school district. 429

(3) Any educational service center that, on June 30, 2007, 430  
sponsors a community school that is not located in a county within 431  
the territory of the service center or in a county contiguous to 432  
such county may continue to sponsor that community school on and 433  
after June 30, 2007, and may renew its contract with the school. 434  
However, the educational service center shall not enter into a 435  
contract with any additional community school unless the school is 436  
located in a county within the territory of the service center or 437  
in a county contiguous to such county. 438

**Sec. 3314.021.** (A) This section applies to any entity that is 439  
exempt from taxation under section 501(c)(3) of the Internal 440  
Revenue Code and that satisfies the conditions specified in 441  
divisions (C)(1)(f)(ii) and (iii) of section 3314.02 of the 442  
Revised Code but does not satisfy the condition specified in 443  
division (C)(1)(f)(i) of that section. 444

(B) Notwithstanding division (C)(1)(f)(i) of section 3314.02 445  
of the Revised Code, an entity described in division (A) of this 446  
section may do both of the following without obtaining the 447  
department of education's initial approval of its sponsorship 448  
under divisions (A)(2) and (B)(1) of section 3314.015 of the 449  
Revised Code: 450

(1) Succeed the board of trustees of a state university 451

located in the pilot project area or that board's designee as the 452  
sponsor of a community school established under this chapter; 453

(2) Continue to sponsor that school in conformance with the 454  
terms of the contract between the board of trustees or its 455  
designee and the governing authority of the community school and 456  
renew that contract as provided in division (E) of section 3314.03 457  
of the Revised Code. 458

(C) The entity that succeeds the board of trustees or the 459  
board's designee as sponsor of a community school under division 460  
(B) of this section also may enter into contracts to sponsor other 461  
community schools located in any challenged school district, 462  
without obtaining the department's initial approval of its 463  
sponsorship of those schools under divisions (A)(2) and (B)(1) of 464  
section 3314.015 of the Revised Code, ~~and not subject to the~~ 465  
~~restriction of division (A)(7) of section 3314.013 of the Revised~~ 466  
~~Code,~~ as long as the contracts conform with and the entity 467  
complies with all other requirements of this chapter. 468

(D) Regardless of the entity's authority to sponsor community 469  
schools without the initial approval of the department, the entity 470  
is under the continuing oversight of the department in accordance 471  
with rules adopted under section 3314.015 of the Revised Code. 472

**Sec. 3314.03.** A copy of every contract entered into under 473  
this section shall be filed with the superintendent of public 474  
instruction. 475

(A) Each contract entered into between a sponsor and the 476  
governing authority of a community school shall specify the 477  
following: 478

(1) That the school shall be established as either of the 479  
following: 480

(a) A nonprofit corporation established under Chapter 1702. 481



of the Revised Code, if established prior to April 8, 2003; 482

(b) A public benefit corporation established under Chapter 483  
1702. of the Revised Code, if established after April 8, 2003; 484

(2) The education program of the school, including the 485  
school's mission, the characteristics of the students the school 486  
is expected to attract, the ages and grades of students, and the 487  
focus of the curriculum; 488

(3) The academic goals to be achieved and the method of 489  
measurement that will be used to determine progress toward those 490  
goals, which shall include the statewide achievement assessments; 491

(4) Performance standards by which the success of the school 492  
will be evaluated by the sponsor; 493

(5) The admission standards of section 3314.06 of the Revised 494  
Code and, if applicable, section 3314.061 of the Revised Code; 495

(6)(a) Dismissal procedures; 496

(b) A requirement that the governing authority adopt an 497  
attendance policy that includes a procedure for automatically 498  
withdrawing a student from the school if the student without a 499  
legitimate excuse fails to participate in one hundred five 500  
consecutive hours of the learning opportunities offered to the 501  
student. 502

(7) The ways by which the school will achieve racial and 503  
ethnic balance reflective of the community it serves; 504

(8) Requirements for financial audits by the auditor of 505  
state. The contract shall require financial records of the school 506  
to be maintained in the same manner as are financial records of 507  
school districts, pursuant to rules of the auditor of state. 508  
Audits shall be conducted in accordance with section 117.10 of the 509  
Revised Code. 510

(9) The facilities to be used and their locations; 511

(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 of the Revised Code;

(11) That the school will comply with the following requirements:

(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.

(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.

(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.

(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, 3313.6015, 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, 3313.719, 3313.80, 3313.86, 3313.96, 3319.073, 3319.321, 3319.39, 3319.391, 3319.41, 3321.01, 3321.041, 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. 543

(e) The school shall comply with Chapter 102. and section 544  
2921.42 of the Revised Code. 545

(f) The school will comply with sections 3313.61, 3313.611, 546  
and 3313.614 of the Revised Code, except that for students who 547  
enter ninth grade for the first time before July 1, 2010, the 548  
requirement in sections 3313.61 and 3313.611 of the Revised Code 549  
that a person must successfully complete the curriculum in any 550  
high school prior to receiving a high school diploma may be met by 551  
completing the curriculum adopted by the governing authority of 552  
the community school rather than the curriculum specified in Title 553  
XXXIII of the Revised Code or any rules of the state board of 554  
education. Beginning with students who enter ninth grade for the 555  
first time on or after July 1, 2010, the requirement in sections 556  
3313.61 and 3313.611 of the Revised Code that a person must 557  
successfully complete the curriculum of a high school prior to 558  
receiving a high school diploma shall be met by completing the 559  
Ohio core curriculum prescribed in division (C) of section 560  
3313.603 of the Revised Code, unless the person qualifies under 561  
division (D) or (F) of that section. Each school shall comply with 562  
the plan for awarding high school credit based on demonstration of 563  
subject area competency, adopted by the state board of education 564  
under division (J) of section 3313.603 of the Revised Code. 565

(g) The school governing authority will submit within four 566  
months after the end of each school year a report of its 567  
activities and progress in meeting the goals and standards of 568  
divisions (A)(3) and (4) of this section and its financial status 569  
to the sponsor and the parents of all students enrolled in the 570  
school. 571

(h) The school, unless it is an internet- or computer-based 572  
community school, will comply with section 3313.801 of the Revised 573  
Code as if it were a school district. 574

(12) Arrangements for providing health and other benefits to 575  
employees; 576

(13) The length of the contract, which shall begin at the 577  
beginning of an academic year. No contract shall exceed five years 578  
unless such contract has been renewed pursuant to division (E) of 579  
this section. 580

(14) The governing authority of the school, which shall be 581  
responsible for carrying out the provisions of the contract; 582

(15) A financial plan detailing an estimated school budget 583  
for each year of the period of the contract and specifying the 584  
total estimated per pupil expenditure amount for each such year. 585  
The plan shall specify for each year the base formula amount that 586  
will be used for purposes of funding calculations under section 587  
3314.08 of the Revised Code. This base formula amount for any year 588  
shall not exceed the formula amount defined under section 3317.02 589  
of the Revised Code. The plan may also specify for any year a 590  
percentage figure to be used for reducing the per pupil amount of 591  
the subsidy calculated pursuant to section 3317.029 of the Revised 592  
Code the school is to receive that year under section 3314.08 of 593  
the Revised Code. 594

(16) Requirements and procedures regarding the disposition of 595  
employees of the school in the event the contract is terminated or 596  
not renewed pursuant to section 3314.07 of the Revised Code; 597

(17) Whether the school is to be created by converting all or 598  
part of an existing public school or educational service center 599  
building or is to be a new start-up school, and if it is a 600  
converted public school or service center building, specification 601  
of any duties or responsibilities of an employer that the board of 602  
education or service center governing board that operated the 603  
school or building before conversion is delegating to the 604  
governing authority of the community school with respect to all or 605

any specified group of employees provided the delegation is not 606  
prohibited by a collective bargaining agreement applicable to such 607  
employees; 608

(18) Provisions establishing procedures for resolving 609  
disputes or differences of opinion between the sponsor and the 610  
governing authority of the community school; 611

(19) A provision requiring the governing authority to adopt a 612  
policy regarding the admission of students who reside outside the 613  
district in which the school is located. That policy shall comply 614  
with the admissions procedures specified in sections 3314.06 and 615  
3314.061 of the Revised Code and, at the sole discretion of the 616  
authority, shall do one of the following: 617

(a) Prohibit the enrollment of students who reside outside 618  
the district in which the school is located; 619

(b) Permit the enrollment of students who reside in districts 620  
adjacent to the district in which the school is located; 621

(c) Permit the enrollment of students who reside in any other 622  
district in the state. 623

(20) A provision recognizing the authority of the department 624  
of education to take over the sponsorship of the school in 625  
accordance with the provisions of division (C) of section 3314.015 626  
of the Revised Code; 627

(21) A provision recognizing the sponsor's authority to 628  
assume the operation of a school under the conditions specified in 629  
division (B) of section 3314.073 of the Revised Code; 630

(22) A provision recognizing both of the following: 631

(a) The authority of public health and safety officials to 632  
inspect the facilities of the school and to order the facilities 633  
closed if those officials find that the facilities are not in 634  
compliance with health and safety laws and regulations; 635

(b) The authority of the department of education as the 636  
community school oversight body to suspend the operation of the 637  
school under section 3314.072 of the Revised Code if the 638  
department has evidence of conditions or violations of law at the 639  
school that pose an imminent danger to the health and safety of 640  
the school's students and employees and the sponsor refuses to 641  
take such action; 642

(23) A description of the learning opportunities that will be 643  
offered to students including both classroom-based and 644  
non-classroom-based learning opportunities that is in compliance 645  
with criteria for student participation established by the 646  
department under division (L)(2) of section 3314.08 of the Revised 647  
Code; 648

(24) The school will comply with sections 3302.04 and 649  
3302.041 of the Revised Code, except that any action required to 650  
be taken by a school district pursuant to those sections shall be 651  
taken by the sponsor of the school. However, the sponsor shall not 652  
be required to take any action described in division (F) of 653  
section 3302.04 of the Revised Code. 654

(25) Beginning in the 2006-2007 school year, the school will 655  
open for operation not later than the thirtieth day of September 656  
each school year, unless the mission of the school as specified 657  
under division (A)(2) of this section is solely to serve dropouts. 658  
In its initial year of operation, if the school fails to open by 659  
the thirtieth day of September, or within one year after the 660  
adoption of the contract pursuant to division (D) of section 661  
3314.02 of the Revised Code if the mission of the school is solely 662  
to serve dropouts, the contract shall be void. 663

(B) The community school shall also submit to the sponsor a 664  
comprehensive plan for the school. The plan shall specify the 665  
following: 666

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

(2) The management and administration of the school;

(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;

(4) The instructional program and educational philosophy of the school;

(5) Internal financial controls.

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

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

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

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

(3) Report on an annual basis the results of the evaluation 697  
conducted under division (D)(2) of this section to the department 698  
of education and to the parents of students enrolled in the 699  
community school; 700

(4) Provide technical assistance to the community school in 701  
complying with laws applicable to the school and terms of the 702  
contract; 703

(5) Take steps to intervene in the school's operation to 704  
correct problems in the school's overall performance, declare the 705  
school to be on probationary status pursuant to section 3314.073 706  
of the Revised Code, suspend the operation of the school pursuant 707  
to section 3314.072 of the Revised Code, or terminate the contract 708  
of the school pursuant to section 3314.07 of the Revised Code as 709  
determined necessary by the sponsor; 710

(6) Have in place a plan of action to be undertaken in the 711  
event the community school experiences financial difficulties or 712  
closes prior to the end of a school year. 713

(E) Upon the expiration of a contract entered into under this 714  
section, the sponsor of a community school may, with the approval 715  
of the governing authority of the school, renew that contract for 716  
a period of time determined by the sponsor, but not ending earlier 717  
than the end of any school year, if the sponsor finds that the 718  
school's compliance with applicable laws and terms of the contract 719  
and the school's progress in meeting the academic goals prescribed 720  
in the contract have been satisfactory. Any contract that is 721  
renewed under this division remains subject to the provisions of 722  
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 723

(F) If a community school fails to open for operation within 724  
one year after the contract entered into under this section is 725  
adopted pursuant to division (D) of section 3314.02 of the Revised 726  
Code or permanently closes prior to the expiration of the 727



contract, the contract shall be void and the school shall not 728  
enter into a contract with any other sponsor. A school shall not 729  
be considered permanently closed because the operations of the 730  
school have been suspended pursuant to section 3314.072 of the 731  
Revised Code. ~~Any contract that becomes void under this division~~ 732  
~~shall not count toward any statewide limit on the number of such~~ 733  
~~contracts prescribed by section 3314.013 of the Revised Code.~~ 734

**Sec. 3314.05.** (A) The contract between the community school 735  
and the sponsor shall specify the facilities to be used for the 736  
community school and the method of acquisition. Except as provided 737  
in division (B)(3) of this section, no community school shall be 738  
established in more than one school district under the same 739  
contract. 740

(B) Division (B) of this section shall not apply to internet- 741  
or computer-based community schools. 742

(1) A community school may be located in multiple facilities 743  
under the same contract only if the limitations on availability of 744  
space prohibit serving all the grade levels specified in the 745  
contract in a single facility or division (B)(2) or (3) of this 746  
section applies to the school. The school shall not offer the same 747  
grade level classrooms in more than one facility. 748

(2) A community school may be located in multiple facilities 749  
under the same contract and, notwithstanding division (B)(1) of 750  
this section, may assign students in the same grade level to 751  
multiple facilities, as long as all of the following apply: 752

(a) The governing authority of the community school filed a 753  
copy of its contract with the school's sponsor under section 754  
3314.03 of the Revised Code with the superintendent of public 755  
instruction on or before May 15, 2008. 756

(b) The school was not open for operation prior to July 1, 757

2008. 758

(c) The governing authority has entered into and maintains a 759  
contract with an operator of the type described in division 760  
~~(A)(2)~~(B) of section 3314.014 of the Revised Code. 761

(d) The contract with that operator qualified the school to 762  
be established pursuant to division (A) of section 3314.016 of the 763  
Revised Code. 764

(e) The school's rating under section 3302.03 of the Revised 765  
Code does not fall below "in need of continuous improvement" for 766  
two or more consecutive years. 767

(3) A new start-up community school may be established in two 768  
school districts under the same contract if all of the following 769  
apply: 770

(a) At least one of the school districts in which the school 771  
is established is a challenged school district; 772

(b) The school operates not more than one facility in each 773  
school district and, in accordance with division (B)(1) of this 774  
section, the school does not offer the same grade level classrooms 775  
in both facilities; and 776

(c) Transportation between the two facilities does not 777  
require more than thirty minutes of direct travel time as measured 778  
by school bus. 779

In the case of a community school to which division (B)(3) of 780  
this section applies, if only one of the school districts in which 781  
the school is established is a challenged school district, that 782  
district shall be considered the school's primary location and the 783  
district in which the school is located for the purposes of 784  
division (A)(19) of section 3314.03 and divisions (C) and (H) of 785  
section 3314.06 of the Revised Code and for all other purposes of 786  
this chapter. If both of the school districts in which the school 787

is established are challenged school districts, the school's 788  
governing authority shall designate one of those districts to be 789  
considered the school's primary location and the district in which 790  
the school is located for the purposes of those divisions and all 791  
other purposes of this chapter and shall notify the department of 792  
education of that designation. 793

(4) Any facility used for a community school shall meet all 794  
health and safety standards established by law for school 795  
buildings. 796

(C) In the case where a community school is proposed to be 797  
located in a facility owned by a school district or educational 798  
service center, the facility may not be used for such community 799  
school unless the district or service center board owning the 800  
facility enters into an agreement for the community school to 801  
utilize the facility. Use of the facility may be under any terms 802  
and conditions agreed to by the district or service center board 803  
and the school. 804

**Sec. 3319.22.** (A)(1) The state board of education shall issue 805  
the following educator licenses: 806

(a) A resident educator license, which shall be valid for 807  
four years, except that the state board, on a case-by-case basis, 808  
may extend the license's duration as necessary to enable the 809  
license holder to complete the Ohio teacher residency program 810  
established under section 3319.223 of the Revised Code; 811

(b) A professional educator license, which shall be valid for 812  
five years and shall be renewable; 813

(c) A senior professional educator license, which shall be 814  
valid for five years and shall be renewable; 815

(d) A lead professional educator license, which shall be 816  
valid for five years and shall be renewable. 817

(2) The state board may issue any additional educator 818  
licenses of categories, types, and levels the board elects to 819  
provide. 820

(3) The state board shall adopt rules establishing the 821  
standards and requirements for obtaining each educator license 822  
issued under this section. 823

(B) The rules adopted under this section shall require at 824  
least the following standards and qualifications for the educator 825  
licenses described in division (A)(1) of this section: 826

(1) An applicant for a resident educator license shall hold 827  
at least a bachelor's degree from an accredited teacher 828  
preparation program. 829

(2) An applicant for a professional educator license shall: 830

(a) Hold at least a bachelor's degree from an institution of 831  
higher education accredited by a regional accrediting 832  
organization; 833

(b) Have successfully completed the Ohio teacher residency 834  
program established under section 3319.223 of the Revised Code, if 835  
the applicant's current or most recently issued license is a 836  
resident educator license issued under this section or an 837  
alternative resident educator license issued under section 3319.26 838  
of the Revised Code; 839

(c) Demonstrate that students in the applicant's classroom 840  
have achieved the applicable value-added measure specified in 841  
division (D) of this section. 842

(3) An applicant for a senior professional educator license 843  
shall: 844

(a) Hold at least a master's degree from an institution of 845  
higher education accredited by a regional accrediting 846  
organization; 847

(b) Have previously held a professional educator license	848
issued under this section or section 3319.222 or under former	849
section 3319.22 of the Revised Code;	850
(c) Meet the criteria for the accomplished or distinguished	851
level of performance, as described in the standards for teachers	852
adopted by the state board under section 3319.61 of the Revised	853
Code;	854
<u>(d) Demonstrate that students in the applicant's classroom</u>	855
<u>have achieved the applicable value-added measure specified in</u>	856
<u>division (D) of this section.</u>	857
(4) An applicant for a lead professional educator license	858
shall:	859
(a) Hold at least a master's degree from an institution of	860
higher education accredited by a regional accrediting	861
organization;	862
(b) Have previously held a professional educator license or a	863
senior professional educator license issued under this section or	864
a professional educator license issued under section 3319.222 or	865
former section 3319.22 of the Revised Code;	866
(c) Meet the criteria for the distinguished level of	867
performance, as described in the standards for teachers adopted by	868
the state board under section 3319.61 of the Revised Code;	869
(d) Either hold a valid certificate issued by the national	870
board for professional teaching standards or meet the criteria for	871
a master teacher or other criteria for a lead teacher adopted by	872
the educator standards board under division (F)(4) or (5) of	873
section 3319.61 of the Revised Code;	874
<u>(e) Demonstrate that students in the applicant's classroom</u>	875
<u>have achieved the applicable value-added measure specified in</u>	876
<u>division (D) of this section.</u>	877

(C) The state board shall align the standards and qualifications for obtaining a principal license with the standards for principals adopted by the state board under section 3319.61 of the Revised Code. The rules adopted under this section for obtaining a principal license shall require that an applicant, as a condition of qualifying for the license, demonstrate that students in the applicant's classroom have achieved the applicable value-added measure specified in division (D) of this section, if the applicant is a classroom teacher seeking issuance of a new principal license, or that students in the applicant's building have achieved the applicable value-added measure specified in that division, if the applicant is a principal seeking renewal of a principal license.

(D) For the purpose of evaluating applicants for teacher and principal licenses under divisions (B) and (C) of this section, the state board shall use the following value-added measure:

(1) For teachers who provide instruction to students in reading or mathematics in any of grades four to eight, one standard year of academic growth for the applicable grade level, as determined by the department of education in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code, in each of those subject areas in which the teacher provides instruction;

(2) For teachers who provide instruction in a course for which an end-of-course examination has been selected under section 3301.0712 of the Revised Code, a standardized measure of improvement in student achievement designated by the superintendent of public instruction as applied to performance on that examination by students enrolled in the teacher's course. If a teacher provides instruction in more than one course for which an end-of-course examination has been selected, the measure shall account for student performance on each end-of-course examination

administered in a course taught by the teacher. 910

(3) For teachers to whom divisions (D)(1) and (2) of this 911  
section do not apply, a value-added measure designated by the 912  
superintendent of public instruction; 913

(4) For principals of schools in which a majority of the 914  
grades offered are in the range from grade four to grade eight, 915  
one standard year of academic growth in reading and mathematics 916  
for each such grade level offered by the school, as determined by 917  
the department in accordance with rules adopted under division (A) 918  
of section 3302.021 of the Revised Code; 919

(5) For principals of schools in which a majority of the 920  
grades offered are in the range from grade nine to grade twelve, a 921  
standardized measure of improvement in student achievement 922  
designated by the superintendent of public instruction as applied 923  
to student performance on all end-of-course examinations selected 924  
under section 3301.0712 of the Revised Code that are administered 925  
by the school; 926

(6) For principals to whom divisions (D)(4) and (5) of this 927  
section do not apply, a value-added measure designated by the 928  
superintendent of public instruction. 929

(E) If the state board requires any examinations for educator 930  
licensure, the department of education shall provide the results 931  
of such examinations received by the department to the chancellor 932  
of the Ohio board of regents, in the manner and to the extent 933  
permitted by state and federal law. 934

~~(E)~~(F) Any rules the state board of education adopts, amends, 935  
or rescinds for educator licenses under this section, division (D) 936  
of section 3301.07 of the Revised Code, or any other law shall be 937  
adopted, amended, or rescinded under Chapter 119. of the Revised 938  
Code except as follows: 939

(1) Notwithstanding division (D) of section 119.03 and 940

division (A)(1) of section 119.04 of the Revised Code, in the case 941  
of the adoption of any rule or the amendment or rescission of any 942  
rule that necessitates institutions' offering preparation programs 943  
for educators and other school personnel that are approved by the 944  
chancellor of the Ohio board of regents under section 3333.048 of 945  
the Revised Code to revise the curriculum of those programs, the 946  
effective date shall not be as prescribed in division (D) of 947  
section 119.03 and division (A)(1) of section 119.04 of the 948  
Revised Code. Instead, the effective date of such rules, or the 949  
amendment or rescission of such rules, shall be the date 950  
prescribed by section 3333.048 of the Revised Code. 951

(2) Notwithstanding the authority to adopt, amend, or rescind 952  
emergency rules in division (F) of section 119.03 of the Revised 953  
Code, this authority shall not apply to the state board of 954  
education with regard to rules for educator licenses. 955

~~(F)~~(G)(1) The rules adopted under this section establishing 956  
standards requiring additional coursework for the renewal of any 957  
educator license shall require a school district and a chartered 958  
nonpublic school to establish local professional development 959  
committees. In a nonpublic school, the chief administrative 960  
officer shall establish the committees in any manner acceptable to 961  
such officer. The committees established under this division shall 962  
determine whether coursework that a district or chartered 963  
nonpublic school teacher proposes to complete meets the 964  
requirement of the rules. The department of education shall 965  
provide technical assistance and support to committees as the 966  
committees incorporate the professional development standards 967  
adopted by the state board of education pursuant to section 968  
3319.61 of the Revised Code into their review of coursework that 969  
is appropriate for license renewal. The rules shall establish a 970  
procedure by which a teacher may appeal the decision of a local 971  
professional development committee. 972



(2) In any school district in which there is no exclusive 973  
representative established under Chapter 4117. of the Revised 974  
Code, the professional development committees shall be established 975  
as described in division ~~(F)~~(G)(2) of this section. 976

Not later than the effective date of the rules adopted under 977  
this section, the board of education of each school district shall 978  
establish the structure for one or more local professional 979  
development committees to be operated by such school district. The 980  
committee structure so established by a district board shall 981  
remain in effect unless within thirty days prior to an anniversary 982  
of the date upon which the current committee structure was 983  
established, the board provides notice to all affected district 984  
employees that the committee structure is to be modified. 985  
Professional development committees may have a district-level or 986  
building-level scope of operations, and may be established with 987  
regard to particular grade or age levels for which an educator 988  
license is designated. 989

Each professional development committee shall consist of at 990  
least three classroom teachers employed by the district, one 991  
principal employed by the district, and one other employee of the 992  
district appointed by the district superintendent. For committees 993  
with a building-level scope, the teacher and principal members 994  
shall be assigned to that building, and the teacher members shall 995  
be elected by majority vote of the classroom teachers assigned to 996  
that building. For committees with a district-level scope, the 997  
teacher members shall be elected by majority vote of the classroom 998  
teachers of the district, and the principal member shall be 999  
elected by a majority vote of the principals of the district, 1000  
unless there are two or fewer principals employed by the district, 1001  
in which case the one or two principals employed shall serve on 1002  
the committee. If a committee has a particular grade or age level 1003  
scope, the teacher members shall be licensed to teach such grade 1004

or age levels, and shall be elected by majority vote of the 1005  
classroom teachers holding such a license and the principal shall 1006  
be elected by all principals serving in buildings where any such 1007  
teachers serve. The district superintendent shall appoint a 1008  
replacement to fill any vacancy that occurs on a professional 1009  
development committee, except in the case of vacancies among the 1010  
elected classroom teacher members, which shall be filled by vote 1011  
of the remaining members of the committee so selected. 1012

Terms of office on professional development committees shall 1013  
be prescribed by the district board establishing the committees. 1014  
The conduct of elections for members of professional development 1015  
committees shall be prescribed by the district board establishing 1016  
the committees. A professional development committee may include 1017  
additional members, except that the majority of members on each 1018  
such committee shall be classroom teachers employed by the 1019  
district. Any member appointed to fill a vacancy occurring prior 1020  
to the expiration date of the term for which a predecessor was 1021  
appointed shall hold office as a member for the remainder of that 1022  
term. 1023

The initial meeting of any professional development 1024  
committee, upon election and appointment of all committee members, 1025  
shall be called by a member designated by the district 1026  
superintendent. At this initial meeting, the committee shall 1027  
select a chairperson and such other officers the committee deems 1028  
necessary, and shall adopt rules for the conduct of its meetings. 1029  
Thereafter, the committee shall meet at the call of the 1030  
chairperson or upon the filing of a petition with the district 1031  
superintendent signed by a majority of the committee members 1032  
calling for the committee to meet. 1033

(3) In the case of a school district in which an exclusive 1034  
representative has been established pursuant to Chapter 4117. of 1035  
the Revised Code, professional development committees shall be 1036

established in accordance with any collective bargaining agreement 1037  
in effect in the district that includes provisions for such 1038  
committees. 1039

If the collective bargaining agreement does not specify a 1040  
different method for the selection of teacher members of the 1041  
committees, the exclusive representative of the district's 1042  
teachers shall select the teacher members. 1043

If the collective bargaining agreement does not specify a 1044  
different structure for the committees, the board of education of 1045  
the school district shall establish the structure, including the 1046  
number of committees and the number of teacher and administrative 1047  
members on each committee; the specific administrative members to 1048  
be part of each committee; whether the scope of the committees 1049  
will be district levels, building levels, or by type of grade or 1050  
age levels for which educator licenses are designated; the lengths 1051  
of terms for members; the manner of filling vacancies on the 1052  
committees; and the frequency and time and place of meetings. 1053  
However, in all cases, except as provided in division ~~(F)~~(G)(4) of 1054  
this section, there shall be a majority of teacher members of any 1055  
professional development committee, there shall be at least five 1056  
total members of any professional development committee, and the 1057  
exclusive representative shall designate replacement members in 1058  
the case of vacancies among teacher members, unless the collective 1059  
bargaining agreement specifies a different method of selecting 1060  
such replacements. 1061

(4) Whenever an administrator's coursework plan is being 1062  
discussed or voted upon, the local professional development 1063  
committee shall, at the request of one of its administrative 1064  
members, cause a majority of the committee to consist of 1065  
administrative members by reducing the number of teacher members 1066  
voting on the plan. 1067

~~(G)~~(H)(1) The department of education, educational service 1068

centers, county boards of developmental disabilities, regional 1069  
professional development centers, special education regional 1070  
resource centers, college and university departments of education, 1071  
head start programs, the eTech Ohio commission, and the Ohio 1072  
education computer network may establish local professional 1073  
development committees to determine whether the coursework 1074  
proposed by their employees who are licensed or certificated under 1075  
this section or section 3319.222 of the Revised Code, or under the 1076  
former version of either section as it existed prior to ~~the~~ 1077  
~~effective date of this amendment~~ October 16, 2009, meet the 1078  
requirements of the rules adopted under this section. They may 1079  
establish local professional development committees on their own 1080  
or in collaboration with a school district or other agency having 1081  
authority to establish them. 1082

Local professional development committees established by 1083  
county boards of developmental disabilities shall be structured in 1084  
a manner comparable to the structures prescribed for school 1085  
districts in divisions ~~(F)~~(G)(2) and (3) of this section, as shall 1086  
the committees established by any other entity specified in 1087  
division ~~(G)~~(H)(1) of this section that provides educational 1088  
services by employing or contracting for services of classroom 1089  
teachers licensed or certificated under this section or section 1090  
3319.222 of the Revised Code, or under the former version of 1091  
either section as it existed prior to ~~the effective date of this~~ 1092  
~~amendment~~ October 16, 2009. All other entities specified in 1093  
division ~~(G)~~(H)(1) of this section shall structure their 1094  
committees in accordance with guidelines which shall be issued by 1095  
the state board. 1096

(2) Any public agency that is not specified in division 1097  
~~(G)~~(H)(1) of this section but provides educational services and 1098  
employs or contracts for services of classroom teachers licensed 1099  
or certificated under this section or section 3319.222 of the 1100

Revised Code, or under the former version of either section as it 1101  
existed prior to ~~the effective date of this amendment~~ October 16, 1102  
2009, may establish a local professional development committee, 1103  
subject to the approval of the department of education. The 1104  
committee shall be structured in accordance with guidelines issued 1105  
by the state board. 1106

**Sec. 3319.223.** (A) Not later than January 1, 2011, the 1107  
superintendent of public instruction and the chancellor of the 1108  
Ohio board of regents jointly shall establish the Ohio teacher 1109  
residency program, which shall be a four-year, entry-level program 1110  
for classroom teachers. The teacher residency program shall 1111  
include at least the following components: 1112

(1) Mentoring by teachers who hold a lead professional 1113  
educator license issued under section 3319.22 of the Revised Code; 1114

(2) Counseling to ensure that program participants receive 1115  
needed professional development; 1116

(3) Use of measures of student academic gain to evaluate the 1117  
effectiveness of program participants; 1118

(4) Measures of appropriate progression through the program. 1119

(B) The teacher residency program shall be aligned with the 1120  
standards for teachers adopted by the state board of education 1121  
under section 3319.61 of the Revised Code and best practices 1122  
identified by the superintendent of public instruction. 1123

(C) Each person who holds a resident educator license issued 1124  
under section 3319.22 of the Revised Code or an alternative 1125  
resident educator license issued under section 3319.26 of the 1126  
Revised Code shall participate in the teacher residency program. 1127  
Successful completion of the program shall be required to qualify 1128  
any such person for a professional educator license issued under 1129  
section 3319.22 of the Revised Code. 1130

Sec. 3319.227. Notwithstanding any other provision of the 1131  
Revised Code or any rule adopted by the state board of education 1132  
to the contrary, the state board shall issue an initial 1133  
professional educator license under section 3319.22 of the Revised 1134  
Code to any applicant who has completed at least two years of 1135  
teaching in another state as a participant in the teach for 1136  
America program. 1137

**Sec. 3319.61.** (A) The educator standards board, in 1138  
consultation with the chancellor of the Ohio board of regents, 1139  
shall do all of the following: 1140

(1) Develop state standards for teachers and principals that 1141  
reflect what teachers and principals are expected to know and be 1142  
able to do at all stages of their careers. These standards shall 1143  
be aligned with the statewide academic content standards for 1144  
students adopted pursuant to section 3301.079 of the Revised Code, 1145  
be primarily based on educator performance instead of years of 1146  
experience or certain courses completed, and rely on 1147  
evidence-based factors. These standards shall also be aligned with 1148  
the operating standards adopted under division (D)(3) of section 1149  
3301.07 of the Revised Code. 1150

(a) The standards for teachers shall reflect the following 1151  
additional criteria: 1152

(i) Alignment with the interstate new teacher assessment and 1153  
support consortium standards; 1154

(ii) Differentiation among novice, experienced, and advanced 1155  
teachers; 1156

(iii) Reliance on competencies that can be measured; 1157

(iv) Reliance on content knowledge, teaching skills, 1158  
discipline-specific teaching methods, and requirements for 1159  
professional development; 1160

(v) Alignment with a career-long system of professional development and evaluation that ensures teachers receive the support and training needed to achieve the teaching standards as well as reliable feedback about how well they meet the standards;	1161 1162 1163 1164
(vi) The standards under section 3301.079 of the Revised Code, including standards on collaborative learning environments and interdisciplinary, project-based, real-world learning and differentiated instruction;	1165 1166 1167 1168
(vii) The Ohio leadership framework.	1169
(b) The standards for principals shall be aligned with the interstate school leaders licensing consortium standards.	1170 1171
(2) Develop standards for school district superintendents that reflect what superintendents are expected to know and be able to do at all stages of their careers. The standards shall reflect knowledge of systems theory and effective management principles and be aligned with the buckeye association of school administrators standards and the operating standards developed under division (D)(3) of section 3301.07 of the Revised Code.	1172 1173 1174 1175 1176 1177 1178
(3) Develop standards for school district treasurers and business managers that reflect what treasurers and business managers are expected to know and be able to do at all stages of their careers. The standards shall reflect knowledge of systems theory and effective management principles and be aligned with the association of school business officials international standards and the operating standards developed under division (D)(3) of section 3301.07 of the Revised Code.	1179 1180 1181 1182 1183 1184 1185 1186
(4) Develop standards for the renewal of licenses under sections 3301.074 and 3319.22 of the Revised Code;	1187 1188
(5) Develop standards for educator professional development;	1189
(6) Investigate and make recommendations for the creation,	1190

expansion, and implementation of school building and school 1191  
district leadership academies. 1192

The superintendent of public instruction, the chancellor of 1193  
the Ohio board of regents, or the education standards board itself 1194  
may request that the educator standards board update, review, or 1195  
reconsider any standards developed under this section. 1196

(B) The educator standards board shall incorporate indicators 1197  
of cultural competency into the standards developed under division 1198  
(A) of this section. For this purpose, the educator standards 1199  
board shall develop a definition of cultural competency based upon 1200  
content and experiences that enable educators to know, understand, 1201  
and appreciate the students, families, and communities that they 1202  
serve and skills for addressing cultural diversity in ways that 1203  
respond equitably and appropriately to the cultural needs of 1204  
individual students. 1205

(C) In developing the standards under division (A) of this 1206  
section, the educator standards board shall consider the impact of 1207  
the standards on closing the achievement gap between students of 1208  
different subgroups. 1209

(D) In developing the standards under division (A) of this 1210  
section, the educator standards board shall ensure both of the 1211  
following: 1212

(1) That teachers have sufficient knowledge to provide 1213  
appropriate instruction for students identified as gifted pursuant 1214  
to Chapter 3324. of the Revised Code and to assist in the 1215  
identification of such students, and have sufficient knowledge 1216  
that will enable teachers to provide learning opportunities for 1217  
all children to succeed; 1218

(2) That principals, superintendents, school treasurers, and 1219  
school business managers have sufficient knowledge to provide 1220  
principled, collaborative, foresighted, and data-based leadership 1221



that will provide learning opportunities for all children to 1222  
succeed. 1223

(E) The standards for educator professional development 1224  
developed under division (A)(5) of this section shall include the 1225  
following: 1226

(1) Standards for the inclusion of local professional 1227  
development committees established under section 3319.22 of the 1228  
Revised Code in the planning and design of professional 1229  
development; 1230

(2) Standards that address the crucial link between academic 1231  
achievement and mental health issues. 1232

(F) The educator standards board shall also perform the 1233  
following functions: 1234

(1) Monitor compliance with the standards developed under 1235  
division (A) of this section and make recommendations to the state 1236  
board of education for appropriate corrective action if such 1237  
standards are not met; 1238

(2) Research, develop, and recommend policies on the 1239  
professions of teaching and school administration; 1240

(3) Recommend policies to close the achievement gap between 1241  
students of different subgroups; 1242

(4) Define a "master teacher" in a manner that can be used 1243  
uniformly by all school districts; 1244

(5) Adopt criteria that a candidate for a lead professional 1245  
educator license under section 3319.22 of the Revised Code who 1246  
does not hold a valid certificate issued by the national board for 1247  
professional teaching standards must meet to be considered a lead 1248  
teacher for purposes of division (B)(4)(d) of that section. It is 1249  
the intent of the general assembly that the educator standards 1250  
board shall adopt multiple, equal-weighted criteria to use in 1251

determining whether a person is a lead teacher. The criteria shall 1252  
be in addition to the other standards and qualifications 1253  
prescribed in division (B)(4) of section 3319.22 of the Revised 1254  
Code. The criteria may include, but shall not be limited to, 1255  
completion of educational levels beyond a master's degree or other 1256  
professional development courses or demonstration of a leadership 1257  
role in the teacher's school building or district. The board shall 1258  
determine the number of criteria that a teacher shall satisfy to 1259  
be recognized as a lead teacher, which shall not be the total 1260  
number of criteria adopted by the board. 1261

1262

(6) Develop model teacher and principal evaluation 1263  
instruments and processes. The models shall be based on the 1264  
standards developed under division (A) of this section- 1265

~~(7) Develop a method of measuring the academic improvement 1266  
made by individual students during a one year period and make 1267  
recommendations for incorporating the measurement as one of 1268  
multiple evaluation criteria into each of the following: 1269~~

~~(a) Eligibility for a professional educator license, senior 1270  
professional educator license, lead professional educator license, 1271  
or principal license issued under section 3319.22 of the Revised 1272  
Code; 1273~~

~~(b) The Ohio teacher residency program established under 1274  
section 3319.223 of the Revised Code; 1275~~

~~(c) The model teacher and principal evaluation instruments 1276  
and processes developed under division (F)(6) of this section and 1277  
student performance over time as determined by value-added data 1278  
and other standardized evidence of student achievement gains. 1279~~

(G) The educator standards board shall submit recommendations 1280  
of standards developed under division (A) of this section to the 1281  
state board of education not later than September 1, 2010. The 1282

state board of education shall review those recommendations at the 1283  
state board's regular meeting that next succeeds the date that the 1284  
recommendations are submitted to the state board. At that meeting, 1285  
the state board of education shall vote to either adopt standards 1286  
based on those recommendations or request that the educator 1287  
standards board reconsider its recommendations. The state board of 1288  
education shall articulate reasons for requesting reconsideration 1289  
of the recommendations but shall not direct the content of the 1290  
recommendations. The educator standards board shall reconsider its 1291  
recommendations if the state board of education so requests, may 1292  
revise the recommendations, and shall resubmit the 1293  
recommendations, whether revised or not, to the state board not 1294  
later than two weeks prior to the state board's regular meeting 1295  
that next succeeds the meeting at which the state board requested 1296  
reconsideration of the initial recommendations. The state board of 1297  
education shall review the recommendations as resubmitted by the 1298  
educator standards board at the state board's regular meeting that 1299  
next succeeds the meeting at which the state board requested 1300  
reconsideration of the initial recommendations and may adopt the 1301  
standards as resubmitted or, if the resubmitted standards have not 1302  
addressed the state board's concerns, the state board may modify 1303  
the standards prior to adopting them. The state board shall adopt 1304  
standards under this section in accordance with Chapter 119. of 1305  
the Revised Code. The final responsibility to determine whether to 1306  
adopt standards as described in division (A) of this section and 1307  
the content of those standards, if adopted, belongs solely to the 1308  
state board of education. 1309

**Section 2.** That existing sections 3314.013, 3314.014, 1310  
3314.016, 3314.02, 3314.021, 3314.03, 3314.05, 3319.22, 3319.223, 1311  
and 3319.61 of the Revised Code are hereby repealed. 1312

**Section 3.** Section 3314.014 of the Revised Code is presented 1313

in this act as a composite of the section as amended by both Am. 1314  
Sub. H.B. 79 and Am. Sub. H.B. 276 of the 126th General Assembly. 1315  
The General Assembly, applying the principle stated in division 1316  
(B) of section 1.52 of the Revised Code that amendments are to be 1317  
harmonized if reasonably capable of simultaneous operation, finds 1318  
that the composite is the resulting version of the section in 1319  
effect prior to the effective date of the section as presented in 1320  
this act. 1321

**Section 4.** Section 3319.22 of the Revised Code is presented 1322  
in this act as a composite of the section as amended by both Am. 1323  
Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly. The 1324  
General Assembly, applying the principle stated in division (B) of 1325  
section 1.52 of the Revised Code that amendments are to be 1326  
harmonized if reasonably capable of simultaneous operation, finds 1327  
that the composite is the resulting version of the section in 1328  
effect prior to the effective date of the section as presented in 1329  
this act. 1330