

As Introduced

**128th General Assembly
Regular Session
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H. B. No. 562

Representative Dyer

Cosponsor: Representative Heard

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A B I L L

To amend sections 3314.013, 3314.016, 3314.02, 1
3314.021, 3314.025, 3314.03, 3314.05, and 3314.35; 2
to enact new section 3314.014; and to repeal 3
section 3314.014 of the Revised Code to specify 4
the conditions for establishing a new start-up 5
community school after June 30, 2011, and to 6
repeal the prohibition on persons serving on the 7
governing authorities of more than two start-up 8
community schools simultaneously. 9

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

Section 1. That sections 3314.013, 3314.016, 3314.02, 10
3314.021, 3314.025, 3314.03, 3314.05, and 3314.35 be amended and 11
new section 3314.014 of the Revised Code be enacted to read as 12
follows: 13

Sec. 3314.013. (A) ~~(1) Until July 1, 2000, no more than 14
seventy five contracts between start up schools and the state 15
board of education may be in effect outside the pilot project area 16
at any time under this chapter. 17~~

~~(2) After July 1, 2000, and until July 1, 2001, no more than 18
one hundred twenty five contracts between start up schools and the 19~~

~~state board of education may be in effect outside the pilot project area at any time under this chapter.~~ 20
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~~(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.~~ 22
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~~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.~~ 26
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~~(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.~~ 29
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~~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.~~ 32
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~~(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.~~ 38
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~~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.~~ 43
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~~(6) Until the effective date of any standards enacted by the general assembly governing the operation of internet- or computer-based community schools, no internet- or computer-based~~ 48
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community school shall operate unless the school was open for 51
instruction as of May 1, 2005. No entity described in division 52
(C)(1) of section 3314.02 of the Revised Code shall enter into a 53
contract to sponsor an internet- or computer-based community 54
school, including a conversion school, between May 1, 2005, and 55
the effective date of any standards enacted by the general 56
assembly governing the operation of internet- or computer-based 57
community schools, except as follows: 58

~~(a) Any (1) The entity described in division (C)(1) of that 59
section may renew a contract that the entity entered into with an 60
internet- or computer-based community school prior to May 1, 2005, 61
if the school was open for operation as of that date. 62~~

~~(b) Any (2) The entity described in divisions (C)(1)(a) to 63
(e) of that section may assume sponsorship of an existing 64
internet- or computer-based community school that was formerly 65
sponsored by another entity and may enter into a contract with 66
that community school in accordance with section 3314.03 of the 67
Revised Code. 68~~

~~(c) Any entity described in division (C)(1)(f) of that 69
section may assume sponsorship of an existing internet- or 70
computer-based community school in accordance with division (A)(7) 71
of this section and may enter into a contract with that community 72
school in accordance with section 3314.03 of the Revised Code. 73~~

If a sponsor entered into a contract with an internet- or 74
computer-based community school, including a conversion school, 75
but the school was not open for operation as of May 1, 2005, the 76
contract shall be void and the entity shall not enter into another 77
contract with the school until the effective date of any standards 78
enacted by the general assembly governing the operation of 79
internet- or computer-based community schools. 80

~~(7) Until July 1, 2005, any entity described in division 81~~

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

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

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

~~(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 section, "advocate" means the governing authority of an existing community school that is managed by an operator that meets the requirements of divisions (B)(2) and (3) of this section. However, the governing authority

of a new start-up school that has entered into a contract with an 113
advocate under division (D) of this section shall not be eligible 114
to be an advocate itself until that contract is no longer in 115
effect. 116

(B) The governing authority of each new start-up school that 117
first opens for instruction after June 30, 2011, shall enter into 118
a contract with an operator that meets the following requirements 119
or shall comply with division (D) of this section: 120

(1) The operator manages at least one other school in Ohio. 121

(2) No Ohio school managed by the operator was declared to be 122
under an academic watch or in a state of academic emergency on its 123
most recent report card issued under section 3302.03 of the 124
Revised Code. 125

(3) The operator satisfies one of the following conditions: 126

(a) Each Ohio school managed by the operator was declared to 127
be in need of continuous improvement on its most recent report 128
card issued under section 3302.03 of the Revised Code. 129

(b) At least one Ohio school managed by the operator was 130
declared to be effective or excellent on its most recent report 131
card issued under section 3302.03 of the Revised Code. 132

(4) The operator has not reached any limit prescribed by 133
division (C) of this section on the number of new start-up schools 134
to which this section applies with which the operator may contract 135
in the applicable school year. 136

(C) In each school year in which an operator satisfies the 137
condition in division (B)(3)(a) of this section, the operator may 138
enter into a contract with one new start-up school to which this 139
section applies. In each school year in which an operator 140
satisfies the condition in division (B)(3)(b) of this section, the 141
operator may enter into a contract with any number of new start-up 142

schools to which this section applies. A renewal of an existing 143
contract with a new start-up school to which this section applies 144
shall not count toward any limit prescribed by this division. 145

(D) As an alternative to entering into a contract with an 146
operator that meets the requirements of division (B) of this 147
section, the governing authority of a new start-up school that 148
first opens for instruction after June 30, 2011, may enter into a 149
contract with an operator that currently does not manage any 150
schools in Ohio. If the governing authority elects to enter into a 151
contract with an operator that currently does not manage any Ohio 152
schools, the governing authority also shall enter into a separate 153
contract with an advocate. The initial term of the contract with 154
the advocate shall be at least two full school years. The contract 155
may be renewed for any number of full school years. 156

(1) The contract with the advocate shall require the advocate 157
to provide the governing authority and operator of the new 158
start-up school with technical assistance and advice in handling 159
functions related to opening the school and successfully managing 160
the school's daily operations. The contract shall specify the 161
duties of the advocate, which may include, but are not limited to, 162
the following: 163

(a) Reviewing the new start-up school's contract with its 164
sponsor adopted under section 3314.03 of the Revised Code; 165

(b) Consistently evaluating the new start-up school's 166
educational plan and financial plan and the implementation of 167
those plans; 168

(c) Making site visits to the new start-up school to provide 169
guidance and assist in solving problems. 170

(2) The contract with the advocate may require the governing 171
authority or operator of the new start-up school to make payments, 172
in an amount not to exceed five hundred dollars per month, to the 173

advocate for the services provided by the advocate. 174

(3) If the term of the contract with the advocate is longer 175
than two school years, the advocate may terminate the contract at 176
any time between the end of the initial two school years of the 177
contract and the contract's expiration, upon a determination that 178
the new start-up school is not making sufficient progress toward 179
becoming a successful school. The termination shall take effect 180
only at the end of a school year. The advocate's decision to 181
terminate the contract is final and may not be appealed. 182

(E) No operator hired by a new start-up school under division 183
(D) of this section shall enter into a contract for the management 184
of any other new start-up school to which this section applies 185
until the department issues a report card under section 3302.03 of 186
the Revised Code for the second year of operation of the new 187
start-up school that hired the operator. After the issuance of 188
that report card, the governing authority of any new start-up 189
school to which this section applies may enter into a contract 190
with the operator in accordance with division (B) of this section. 191

Sec. 3314.016. (A) After June 30, 2007, and until June 30, 192
2011, a new start-up school may be established under this chapter 193
only if the school's governing authority enters into a contract 194
with an operator that manages other schools in the United States 195
that perform at a level higher than academic watch. The governing 196
authority of the community school may sign a contract with an 197
operator only if the operator has fewer contracts with the 198
governing authorities of new start-up schools established under 199
this chapter after June 30, 2007, than the number of schools 200
managed by the operator in the United States that perform at a 201
level higher than academic watch, as determined by the department 202
of education. However, the governing authority shall not contract 203
with an operator that currently manages any community schools in 204

Ohio for which the department issues annual report cards under 205
section 3314.012 of the Revised Code, unless the latest report 206
card issued for at least one of those schools designates a 207
performance rating under section 3302.03 of the Revised Code of in 208
need of continuous improvement or higher. 209

(B) Notwithstanding division (A) of this section, the 210
governing authority of a start-up school sponsored by an entity 211
described in divisions (C)(1)(b) to (f) of section 3314.02 of the 212
Revised Code may establish one additional school serving the same 213
grade levels and providing the same educational program as the 214
current start-up school and may open that additional school in the 215
2007-2008 school year, if both of the following conditions are 216
met: 217

(1) The governing authority entered into another contract 218
with the same sponsor or a different sponsor described in 219
divisions (C)(1)(b) to (f) of section 3314.02 of the Revised Code 220
and filed a copy of that contract with the superintendent of 221
public instruction prior to March 15, 2006. 222

(2) The governing authority's current school satisfies all of 223
the following conditions: 224

(a) The school currently is rated as excellent or effective 225
pursuant to section 3302.03 of the Revised Code. 226

(b) The school made adequate yearly progress, as defined in 227
section 3302.01 of the Revised Code, for the previous school year. 228

(c) The school has been in operation for at least four school 229
years. 230

(d) The school is not managed by an operator. 231

(C) Notwithstanding division (A) of this section, the 232
governing authority of a start-up school sponsored by the big 233
eight school district in which the school is located may establish 234

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 superintendent of public instruction prior to March 15, 2009.

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

(a) The school provided instruction to students for eleven months in the previous school year.

(b) The school has been in operation for at least two school years.

(c) The school qualified to be rated in need of continuous improvement or higher pursuant to section 3302.03 of the Revised Code for its first school year of operation, even though the department of education did not issue a report card for the school for that school year.

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

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

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

(3) "Challenged school district" means any of the following:	265
(a) A school district that is part of the pilot project area;	266
(b) A school district that is either in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code;	267 268 269
(c) A big eight school district.	270
(4) "Big eight school district" means a school district that for fiscal year 1997 had both of the following:	271 272
(a) A percentage of children residing in the district and participating in the predecessor of Ohio works first greater than thirty per cent, as reported pursuant to section 3317.10 of the Revised Code;	273 274 275 276
(b) An average daily membership greater than twelve thousand, as reported pursuant to former division (A) of section 3317.03 of the Revised Code.	277 278 279
(5) "New start-up school" means a community school other than one created by converting all or part of an existing public school or educational service center building, as designated in the school's contract pursuant to division (A)(17) of section 3314.03 of the Revised Code.	280 281 282 283 284
(6) "Urban school district" means one of the state's twenty-one urban school districts as defined in division (O) of section 3317.02 of the Revised Code as that section existed prior to July 1, 1998.	285 286 287 288
(7) "Internet- or computer-based community school" means a community school established under this chapter in which the enrolled students work primarily from their residences on assignments in nonclassroom-based learning opportunities provided via an internet- or other computer-based instructional method that does not rely on regular classroom instruction or via	289 290 291 292 293 294

comprehensive instructional methods that include internet-based, 295
other computer-based, and noncomputer-based learning 296
opportunities. 297

(8) "Operator" means either of the following: 298

(a) An individual or nonprofit or for-profit organization 299
that manages the daily operations of a community school pursuant 300
to a contract between the operator and the school's governing 301
authority; 302

(b) A nonprofit organization that provides programmatic 303
oversight and support to a community school under a contract with 304
the school's governing authority and that retains the right to 305
terminate its affiliation with the school if the school fails to 306
meet the organization's quality standards. 307

(B) Any person or group of individuals may initially propose 308
under this division the conversion of all or a portion of a public 309
school or a building operated by an educational service center to 310
a community school. The proposal shall be made to the board of 311
education of the city, local, exempted village, or joint 312
vocational school district in which the public school is proposed 313
to be converted or, in the case of the conversion of a building 314
operated by an educational service center, to the governing board 315
of the service center. Upon receipt of a proposal, a board may 316
enter into a preliminary agreement with the person or group 317
proposing the conversion of the public school or service center 318
building, indicating the intention of the board to support the 319
conversion to a community school. A proposing person or group that 320
has a preliminary agreement under this division may proceed to 321
finalize plans for the school, establish a governing authority for 322
the school, and negotiate a contract with the board. Provided the 323
proposing person or group adheres to the preliminary agreement and 324
all provisions of this chapter, the board shall negotiate in good 325
faith to enter into a contract in accordance with section 3314.03 326

of the Revised Code and division (C) of this section. 327

(C)(1) Any person or group of individuals may propose under 328
this division the establishment of a new start-up school to be 329
located in a challenged school district. The proposal may be made 330
to any of the following entities: 331

(a) The board of education of the district in which the 332
school is proposed to be located; 333

(b) The board of education of any joint vocational school 334
district with territory in the county in which is located the 335
majority of the territory of the district in which the school is 336
proposed to be located; 337

(c) The board of education of any other city, local, or 338
exempted village school district having territory in the same 339
county where the district in which the school is proposed to be 340
located has the major portion of its territory; 341

(d) The governing board of any educational service center, as 342
long as the proposed school will be located in a county within the 343
territory of the service center or in a county contiguous to such 344
county; 345

(e) A sponsoring authority designated by the board of 346
trustees of any of the thirteen state universities listed in 347
section 3345.011 of the Revised Code or the board of trustees 348
itself as long as a mission of the proposed school to be specified 349
in the contract under division (A)(2) of section 3314.03 of the 350
Revised Code and as approved by the department of education under 351
division (B)(2) of section 3314.015 of the Revised Code will be 352
the practical demonstration of teaching methods, educational 353
technology, or other teaching practices that are included in the 354
curriculum of the university's teacher preparation program 355
approved by the state board of education; 356

(f) Any qualified tax-exempt entity under section 501(c)(3) 357

of the Internal Revenue Code as long as all of the following 358
conditions are satisfied: 359

(i) The entity has been in operation for at least five years 360
prior to applying to be a community school sponsor. 361

(ii) The entity has assets of at least five hundred thousand 362
dollars and a demonstrated record of financial responsibility. 363

(iii) The department of education has determined that the 364
entity is an education-oriented entity under division (B)(3) of 365
section 3314.015 of the Revised Code and the entity has a 366
demonstrated record of successful implementation of educational 367
programs. 368

(iv) The entity is not a community school. 369

Any entity described in division (C)(1) of this section may 370
enter into a preliminary agreement pursuant to division (C)(2) of 371
this section with the proposing person or group. 372

(2) A preliminary agreement indicates the intention of an 373
entity described in division (C)(1) of this section to sponsor the 374
community school. A proposing person or group that has such a 375
preliminary agreement may proceed to finalize plans for the 376
school, establish a governing authority as described in division 377
(E) of this section for the school, and negotiate a contract with 378
the entity. Provided the proposing person or group adheres to the 379
preliminary agreement and all provisions of this chapter, the 380
entity shall negotiate in good faith to enter into a contract in 381
accordance with section 3314.03 of the Revised Code. 382

(3) A new start-up school that is established in a school 383
district while that district is either in a state of academic 384
emergency or in a state of academic watch under section 3302.03 of 385
the Revised Code may continue in existence once the school 386
district is no longer in a state of academic emergency or academic 387
watch, provided there is a valid contract between the school and a 388

sponsor. 389

(4) A copy of every preliminary agreement entered into under 390
this division shall be filed with the superintendent of public 391
instruction. 392

(D) A majority vote of the board of a sponsoring entity and a 393
majority vote of the members of the governing authority of a 394
community school shall be required to adopt a contract and convert 395
the public school or educational service center building to a 396
community school or establish the new start-up school. Beginning 397
September 29, 2005, adoption of the contract shall occur not later 398
than the fifteenth day of March, and signing of the contract shall 399
occur not later than the fifteenth day of May, prior to the school 400
year in which the school will open. The governing authority shall 401
notify the department of education when the contract has been 402
signed. Subject to sections 3314.013, 3314.014, 3314.016, and 403
3314.017 of the Revised Code, an unlimited number of community 404
schools may be established in any school district provided that a 405
contract is entered into for each community school pursuant to 406
this chapter. 407

(E)~~(1)~~ As used in this division, "immediate relatives" are 408
limited to spouses, children, parents, grandparents, siblings, and 409
in-laws. 410

(1) Each new start-up community school established under this 411
chapter shall be under the direction of a governing authority 412
which shall consist of a board of not less than five individuals. 413

No person shall serve on the governing authority or operate 414
the community school under contract with the governing authority 415
so long as the person owes the state any money or is in a dispute 416
over whether the person owes the state any money concerning the 417
operation of a community school that has closed. 418

~~(2) No person shall serve on the governing authorities of 419~~

~~more than two start-up community schools at the same time.~~ 420

(3) No present or former member, or immediate relative of a 421
present or former member, of the governing authority of any 422
community school established under this chapter shall be an owner, 423
employee, or consultant of any nonprofit or for-profit operator of 424
a community school, unless at least one year has elapsed since the 425
conclusion of the person's membership. 426

(F)(1) A new start-up school that is established prior to 427
August 15, 2003, in an urban school district that is not also a 428
big-eight school district may continue to operate after that date 429
and the contract between the school's governing authority and the 430
school's sponsor may be renewed, as provided under this chapter, 431
after that date, but no additional new start-up schools may be 432
established in such a district unless the district is a challenged 433
school district as defined in this section as it exists on and 434
after that date. 435

(2) A community school that was established prior to June 29, 436
1999, and is located in a county contiguous to the pilot project 437
area and in a school district that is not a challenged school 438
district may continue to operate after that date, provided the 439
school complies with all provisions of this chapter. The contract 440
between the school's governing authority and the school's sponsor 441
may be renewed, but no additional start-up community school may be 442
established in that district unless the district is a challenged 443
school district. 444

(3) Any educational service center that, on June 30, 2007, 445
sponsors a community school that is not located in a county within 446
the territory of the service center or in a county contiguous to 447
such county may continue to sponsor that community school on and 448
after June 30, 2007, and may renew its contract with the school. 449
However, the educational service center shall not enter into a 450
contract with any additional community school unless the school is 451

located in a county within the territory of the service center or 452
in a county contiguous to such county. 453

Sec. 3314.021. (A) This section applies to any entity that is 454
exempt from taxation under section 501(c)(3) of the Internal 455
Revenue Code and that satisfies the conditions specified in 456
divisions (C)(1)(f)(ii) and (iii) of section 3314.02 of the 457
Revised Code but does not satisfy the condition specified in 458
division (C)(1)(f)(i) of that section. 459

(B) Notwithstanding division (C)(1)(f)(i) of section 3314.02 460
of the Revised Code, an entity described in division (A) of this 461
section may do both of the following without obtaining the 462
department of education's initial approval of its sponsorship 463
under divisions (A)(2) and (B)(1) of section 3314.015 of the 464
Revised Code: 465

(1) Succeed the board of trustees of a state university 466
located in the pilot project area or that board's designee as the 467
sponsor of a community school established under this chapter; 468

(2) Continue to sponsor that school in conformance with the 469
terms of the contract between the board of trustees or its 470
designee and the governing authority of the community school and 471
renew that contract as provided in division (E) of section 3314.03 472
of the Revised Code. 473

(C) The entity that succeeds the board of trustees or the 474
board's designee as sponsor of a community school under division 475
(B) of this section also may enter into contracts to sponsor other 476
community schools located in any challenged school district, 477
without obtaining the department's initial approval of its 478
sponsorship of those schools under divisions (A)(2) and (B)(1) of 479
section 3314.015 of the Revised Code, ~~and not subject to the~~ 480
~~restriction of division (A)(7) of section 3314.013 of the Revised~~ 481
~~Code,~~ as long as the contracts conform with and the entity 482

complies with all other requirements of this chapter. 483

(D) Regardless of the entity's authority to sponsor community 484
schools without the initial approval of the department, the entity 485
is under the continuing oversight of the department in accordance 486
with rules adopted under section 3314.015 of the Revised Code. 487

Sec. 3314.025. The governing authority of a start-up 488
community school may provide by resolution for the compensation of 489
each of its members in an amount up to one hundred twenty-five 490
dollars for each meeting of the governing authority that the 491
member attends. However, no individual shall be compensated more 492
than one hundred twenty-five dollars in any month by each 493
governing authority of which the individual is a member. 494

Except in the case of a community school that has contracted 495
with an operator, ~~as defined in section 3314.014 of the Revised~~ 496
~~Code,~~ the compensation for governing authority members shall be 497
paid by the school's fiscal officer from the operating funds held 498
in the treasury of the school. In the case of a community school 499
that has contracted with an operator, the compensation for 500
governing authority members shall be paid by the operator from 501
funds paid to the operator by the school. 502

If an individual is a member of the governing authority of 503
more than one start-up community school and those governing 504
authorities convene their meetings at the same place on the same 505
day, that individual shall receive as compensation for all of 506
those meetings combined not more than the highest amount 507
per-member per-meeting specified by the governing authorities of 508
those schools. The amount paid to that individual for that day 509
shall be divided evenly among the start-up community schools for 510
which that individual is a governing authority member, and for 511
which the governing authorities have specified compensation for 512
their members in accordance with this section. 513

Sec. 3314.03. A copy of every contract entered into under 514
this section shall be filed with the superintendent of public 515
instruction. 516

(A) Each contract entered into between a sponsor and the 517
governing authority of a community school shall specify the 518
following: 519

(1) That the school shall be established as either of the 520
following: 521

(a) A nonprofit corporation established under Chapter 1702. 522
of the Revised Code, if established prior to April 8, 2003; 523

(b) A public benefit corporation established under Chapter 524
1702. of the Revised Code, if established after April 8, 2003+1 525

(2) The education program of the school, including the 526
school's mission, the characteristics of the students the school 527
is expected to attract, the ages and grades of students, and the 528
focus of the curriculum; 529

(3) The academic goals to be achieved and the method of 530
measurement that will be used to determine progress toward those 531
goals, which shall include the statewide achievement assessments; 532

(4) Performance standards by which the success of the school 533
will be evaluated by the sponsor; 534

(5) The admission standards of section 3314.06 of the Revised 535
Code and, if applicable, section 3314.061 of the Revised Code; 536

(6)(a) Dismissal procedures; 537

(b) A requirement that the governing authority adopt an 538
attendance policy that includes a procedure for automatically 539
withdrawing a student from the school if the student without a 540
legitimate excuse fails to participate in one hundred five 541
consecutive hours of the learning opportunities offered to the 542

student.	543
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	544 545
(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. Audits shall be conducted in accordance with section 117.10 of the Revised Code.	546 547 548 549 550 551
(9) The facilities to be used and their locations;	552
(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;	553 554 555 556 557 558
(11) That the school will comply with the following requirements:	559 560
(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.	561 562 563
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	564 565 566
(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.	567 568 569 570
(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,	571 572

3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.608, 573
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.643, 3313.648, 574
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 575
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 576
3313.718, 3313.719, 3313.80, 3313.86, 3313.96, 3319.073, 3319.321, 577
3319.39, 3319.391, 3319.41, 3321.01, 3321.041, 3321.13, 3321.14, 578
3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, 579
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 580
4123., 4141., and 4167. of the Revised Code as if it were a school 581
district and will comply with section 3301.0714 of the Revised 582
Code in the manner specified in section 3314.17 of the Revised 583
Code. 584

(e) The school shall comply with Chapter 102. and section 585
2921.42 of the Revised Code. 586

(f) The school will comply with sections 3313.61, 3313.611, 587
and 3313.614 of the Revised Code, except that for students who 588
enter ninth grade for the first time before July 1, 2010, the 589
requirement in sections 3313.61 and 3313.611 of the Revised Code 590
that a person must successfully complete the curriculum in any 591
high school prior to receiving a high school diploma may be met by 592
completing the curriculum adopted by the governing authority of 593
the community school rather than the curriculum specified in Title 594
XXXIII of the Revised Code or any rules of the state board of 595
education. Beginning with students who enter ninth grade for the 596
first time on or after July 1, 2010, the requirement in sections 597
3313.61 and 3313.611 of the Revised Code that a person must 598
successfully complete the curriculum of a high school prior to 599
receiving a high school diploma shall be met by completing the 600
Ohio core curriculum prescribed in division (C) of section 601
3313.603 of the Revised Code, unless the person qualifies under 602
division (D) or (F) of that section. Each school shall comply with 603
the plan for awarding high school credit based on demonstration of 604

subject area competency, adopted by the state board of education 605
under division (J) of section 3313.603 of the Revised Code. 606

(g) The school governing authority will submit within four 607
months after the end of each school year a report of its 608
activities and progress in meeting the goals and standards of 609
divisions (A)(3) and (4) of this section and its financial status 610
to the sponsor and the parents of all students enrolled in the 611
school. 612

(h) The school, unless it is an internet- or computer-based 613
community school, will comply with section 3313.801 of the Revised 614
Code as if it were a school district. 615

(12) Arrangements for providing health and other benefits to 616
employees; 617

(13) The length of the contract, which shall begin at the 618
beginning of an academic year. No contract shall exceed five years 619
unless such contract has been renewed pursuant to division (E) of 620
this section. 621

(14) The governing authority of the school, which shall be 622
responsible for carrying out the provisions of the contract; 623

(15) A financial plan detailing an estimated school budget 624
for each year of the period of the contract and specifying the 625
total estimated per pupil expenditure amount for each such year. 626
The plan shall specify for each year the base formula amount that 627
will be used for purposes of funding calculations under section 628
3314.08 of the Revised Code. This base formula amount for any year 629
shall not exceed the formula amount defined under section 3317.02 630
of the Revised Code. The plan may also specify for any year a 631
percentage figure to be used for reducing the per pupil amount of 632
the subsidy calculated pursuant to section 3317.029 of the Revised 633
Code the school is to receive that year under section 3314.08 of 634
the Revised Code. 635

(16) Requirements and procedures regarding the disposition of 636
employees of the school in the event the contract is terminated or 637
not renewed pursuant to section 3314.07 of the Revised Code; 638

(17) Whether the school is to be created by converting all or 639
part of an existing public school or educational service center 640
building or is to be a new start-up school, and if it is a 641
converted public school or service center building, specification 642
of any duties or responsibilities of an employer that the board of 643
education or service center governing board that operated the 644
school or building before conversion is delegating to the 645
governing authority of the community school with respect to all or 646
any specified group of employees provided the delegation is not 647
prohibited by a collective bargaining agreement applicable to such 648
employees; 649

(18) Provisions establishing procedures for resolving 650
disputes or differences of opinion between the sponsor and the 651
governing authority of the community school; 652

(19) A provision requiring the governing authority to adopt a 653
policy regarding the admission of students who reside outside the 654
district in which the school is located. That policy shall comply 655
with the admissions procedures specified in sections 3314.06 and 656
3314.061 of the Revised Code and, at the sole discretion of the 657
authority, shall do one of the following: 658

(a) Prohibit the enrollment of students who reside outside 659
the district in which the school is located; 660

(b) Permit the enrollment of students who reside in districts 661
adjacent to the district in which the school is located; 662

(c) Permit the enrollment of students who reside in any other 663
district in the state. 664

(20) A provision recognizing the authority of the department 665
of education to take over the sponsorship of the school in 666

accordance with the provisions of division (C) of section 3314.015 667
of the Revised Code; 668

(21) A provision recognizing the sponsor's authority to 669
assume the operation of a school under the conditions specified in 670
division (B) of section 3314.073 of the Revised Code; 671

(22) A provision recognizing both of the following: 672

(a) The authority of public health and safety officials to 673
inspect the facilities of the school and to order the facilities 674
closed if those officials find that the facilities are not in 675
compliance with health and safety laws and regulations; 676

(b) The authority of the department of education as the 677
community school oversight body to suspend the operation of the 678
school under section 3314.072 of the Revised Code if the 679
department has evidence of conditions or violations of law at the 680
school that pose an imminent danger to the health and safety of 681
the school's students and employees and the sponsor refuses to 682
take such action; 683

(23) A description of the learning opportunities that will be 684
offered to students including both classroom-based and 685
non-classroom-based learning opportunities that is in compliance 686
with criteria for student participation established by the 687
department under division (L)(2) of section 3314.08 of the Revised 688
Code; 689

(24) The school will comply with sections 3302.04 and 690
3302.041 of the Revised Code, except that any action required to 691
be taken by a school district pursuant to those sections shall be 692
taken by the sponsor of the school. However, the sponsor shall not 693
be required to take any action described in division (F) of 694
section 3302.04 of the Revised Code. 695

(25) Beginning in the 2006-2007 school year, the school will 696
open for operation not later than the thirtieth day of September 697

each school year, unless the mission of the school as specified 698
under division (A)(2) of this section is solely to serve dropouts. 699
In its initial year of operation, if the school fails to open by 700
the thirtieth day of September, or within one year after the 701
adoption of the contract pursuant to division (D) of section 702
3314.02 of the Revised Code if the mission of the school is solely 703
to serve dropouts, the contract shall be void. 704

(B) The community school shall also submit to the sponsor a 705
comprehensive plan for the school. The plan shall specify the 706
following: 707

(1) The process by which the governing authority of the 708
school will be selected in the future; 709

(2) The management and administration of the school; 710

(3) If the community school is a currently existing public 711
school or educational service center building, alternative 712
arrangements for current public school students who choose not to 713
attend the converted school and for teachers who choose not to 714
teach in the school or building after conversion; 715

(4) The instructional program and educational philosophy of 716
the school; 717

(5) Internal financial controls. 718

(C) A contract entered into under section 3314.02 of the 719
Revised Code between a sponsor and the governing authority of a 720
community school may provide for the community school governing 721
authority to make payments to the sponsor, which is hereby 722
authorized to receive such payments as set forth in the contract 723
between the governing authority and the sponsor. The total amount 724
of such payments for oversight and monitoring of the school shall 725
not exceed three per cent of the total amount of payments for 726
operating expenses that the school receives from the state. 727

(D) The contract shall specify the duties of the sponsor 728
which shall be in accordance with the written agreement entered 729
into with the department of education under division (B) of 730
section 3314.015 of the Revised Code and shall include the 731
following: 732

(1) Monitor the community school's compliance with all laws 733
applicable to the school and with the terms of the contract; 734

(2) Monitor and evaluate the academic and fiscal performance 735
and the organization and operation of the community school on at 736
least an annual basis; 737

(3) Report on an annual basis the results of the evaluation 738
conducted under division (D)(2) of this section to the department 739
of education and to the parents of students enrolled in the 740
community school; 741

(4) Provide technical assistance to the community school in 742
complying with laws applicable to the school and terms of the 743
contract; 744

(5) Take steps to intervene in the school's operation to 745
correct problems in the school's overall performance, declare the 746
school to be on probationary status pursuant to section 3314.073 747
of the Revised Code, suspend the operation of the school pursuant 748
to section 3314.072 of the Revised Code, or terminate the contract 749
of the school pursuant to section 3314.07 of the Revised Code as 750
determined necessary by the sponsor; 751

(6) Have in place a plan of action to be undertaken in the 752
event the community school experiences financial difficulties or 753
closes prior to the end of a school year. 754

(E) Upon the expiration of a contract entered into under this 755
section, the sponsor of a community school may, with the approval 756
of the governing authority of the school, renew that contract for 757
a period of time determined by the sponsor, but not ending earlier 758

than the end of any school year, if the sponsor finds that the 759
school's compliance with applicable laws and terms of the contract 760
and the school's progress in meeting the academic goals prescribed 761
in the contract have been satisfactory. Any contract that is 762
renewed under this division remains subject to the provisions of 763
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 764

(F) If a community school fails to open for operation within 765
one year after the contract entered into under this section is 766
adopted pursuant to division (D) of section 3314.02 of the Revised 767
Code or permanently closes prior to the expiration of the 768
contract, the contract shall be void and the school shall not 769
enter into a contract with any other sponsor. A school shall not 770
be considered permanently closed because the operations of the 771
school have been suspended pursuant to section 3314.072 of the 772
Revised Code. ~~Any contract that becomes void under this division 773~~
~~shall not count toward any statewide limit on the number of such 774~~
~~contracts prescribed by section 3314.013 of the Revised Code. 775~~

Sec. 3314.05. (A) The contract between the community school 776
and the sponsor shall specify the facilities to be used for the 777
community school and the method of acquisition. Except as provided 778
in division (B)(3) of this section, no community school shall be 779
established in more than one school district under the same 780
contract. 781

(B) Division (B) of this section shall not apply to internet- 782
or computer-based community schools. 783

(1) A community school may be located in multiple facilities 784
under the same contract only if the limitations on availability of 785
space prohibit serving all the grade levels specified in the 786
contract in a single facility or division (B)(2) or (3) of this 787
section applies to the school. The school shall not offer the same 788
grade level classrooms in more than one facility. 789

(2) A community school may be located in multiple facilities 790
under the same contract and, notwithstanding division (B)(1) of 791
this section, may assign students in the same grade level to 792
multiple facilities, as long as all of the following apply: 793

(a) The governing authority of the community school filed a 794
copy of its contract with the school's sponsor under section 795
3314.03 of the Revised Code with the superintendent of public 796
instruction on or before May 15, 2008. 797

(b) The school was not open for operation prior to July 1, 798
2008. 799

(c) The governing authority has entered into and maintains a 800
contract with an operator of the type described in division 801
(A)~~(2)~~(8)(b) of section ~~3314.014~~ 3314.02 of the Revised Code. 802

(d) The contract with that operator qualified the school to 803
be established pursuant to division (A) of section 3314.016 of the 804
Revised Code. 805

(e) The school's rating under section 3302.03 of the Revised 806
Code does not fall below "in need of continuous improvement" for 807
two or more consecutive years. 808

(3) A new start-up community school may be established in two 809
school districts under the same contract if all of the following 810
apply: 811

(a) At least one of the school districts in which the school 812
is established is a challenged school district; 813

(b) The school operates not more than one facility in each 814
school district and, in accordance with division (B)(1) of this 815
section, the school does not offer the same grade level classrooms 816
in both facilities; and 817

(c) Transportation between the two facilities does not 818
require more than thirty minutes of direct travel time as measured 819

by school bus. 820

In the case of a community school to which division (B)(3) of 821
this section applies, if only one of the school districts in which 822
the school is established is a challenged school district, that 823
district shall be considered the school's primary location and the 824
district in which the school is located for the purposes of 825
division (A)(19) of section 3314.03 and divisions (C) and (H) of 826
section 3314.06 of the Revised Code and for all other purposes of 827
this chapter. If both of the school districts in which the school 828
is established are challenged school districts, the school's 829
governing authority shall designate one of those districts to be 830
considered the school's primary location and the district in which 831
the school is located for the purposes of those divisions and all 832
other purposes of this chapter and shall notify the department of 833
education of that designation. 834

(4) Any facility used for a community school shall meet all 835
health and safety standards established by law for school 836
buildings. 837

(C) In the case where a community school is proposed to be 838
located in a facility owned by a school district or educational 839
service center, the facility may not be used for such community 840
school unless the district or service center board owning the 841
facility enters into an agreement for the community school to 842
utilize the facility. Use of the facility may be under any terms 843
and conditions agreed to by the district or service center board 844
and the school. 845

Sec. 3314.35. (A)(1) Except as provided in division (A)(3) of 846
this section, this section applies to any community school that 847
meets one of the following criteria after July 1, 2008, but before 848
July 1, 2009: 849

(a) The school does not offer a grade level higher than three 850

and has been declared to be in a state of academic emergency under 851
section 3302.03 of the Revised Code for four consecutive school 852
years. 853

(b) The school satisfies all of the following conditions: 854

(i) The school offers any of grade levels four to eight but 855
does not offer a grade level higher than nine. 856

(ii) The school has been declared to be in a state of 857
academic emergency under section 3302.03 of the Revised Code for 858
three consecutive school years. 859

(iii) For two of those school years, the school showed less 860
than one standard year of academic growth in either reading or 861
mathematics, as determined by the department of education in 862
accordance with rules adopted under division (A) of section 863
3302.021 of the Revised Code. 864

(c) The school satisfies all of the following conditions: 865

(i) The school offers any of grade levels ten to twelve. 866

(ii) The school has been declared to be in a state of 867
academic emergency under section 3302.03 of the Revised Code for 868
three consecutive school years. 869

(iii) For two of those school years, the school showed less 870
than two standard years of academic growth in either reading or 871
mathematics, as determined by the department in accordance with 872
rules adopted under division (A) of section 3302.021 of the 873
Revised Code. 874

(2) Except as provided in division (A)(3) of this section, 875
this section applies to any community school that meets one of the 876
following criteria after July 1, 2009: 877

(a) The school does not offer a grade level higher than three 878
and has been declared to be in a state of academic emergency under 879
section 3302.03 of the Revised Code for three of the four most 880

recent school years. 881

(b) The school satisfies all of the following conditions: 882

(i) The school offers any of grade levels four to eight but 883
does not offer a grade level higher than nine. 884

(ii) The school has been declared to be in a state of 885
academic emergency under section 3302.03 of the Revised Code for 886
two of the three most recent school years. 887

(iii) In at least two of the three most recent school years, 888
the school showed less than one standard year of academic growth 889
in either reading or mathematics, as determined by the department 890
in accordance with rules adopted under division (A) of section 891
3302.021 of the Revised Code. 892

(c) The school offers any of grade levels ten to twelve and 893
has been declared to be in a state of academic emergency under 894
section 3302.03 of the Revised Code for three of the four most 895
recent school years. 896

(3) This section does not apply to ~~either~~ any of the 897
following: 898

(a) Any community school in which a majority of the students 899
are enrolled in a dropout prevention and recovery program that is 900
operated by the school and that has been granted a waiver under 901
section 3314.36 of the Revised Code; 902

(b) Any community school in which a majority of the enrolled 903
students are children with disabilities receiving special 904
education and related services in accordance with Chapter 3323. of 905
the Revised Code; 906

(c) Any community school during the period of time that the 907
school has a valid contract with an advocate under division (D) of 908
section 3314.014 of the Revised Code. Except as otherwise provided 909
in division (A)(3)(a) or (b) of this section, upon the nonrenewal 910

or termination of that contract, the school shall become subject 911
to this section and, subject to division (D) of this section and 912
division (B) of section 3314.012 of the Revised Code, ratings 913
issued for the school under section 3302.03 of the Revised Code 914
prior to the nonrenewal or termination shall count in determining 915
if the school meets the criteria of division (A)(2) of this 916
section. 917

(B) Any community school to which this section applies shall 918
permanently close at the conclusion of the school year in which 919
the school first becomes subject to this section. The sponsor and 920
governing authority of the school shall comply with all procedures 921
for closing a community school adopted by the department under 922
division (E) of section 3314.015 of the Revised Code. The 923
governing authority of the school shall not enter into a contract 924
with any other sponsor under section 3314.03 of the Revised Code 925
after the school closes. 926

(C) Not later than July 1, 2008, the department shall 927
determine the feasibility of using the value-added progress 928
dimension, as defined in section 3302.01 of the Revised Code, as a 929
factor in evaluating the academic performance of community schools 930
described in division (A)(1)(c)(i) of this section. 931
Notwithstanding divisions (A)(1)(c)(ii) and (iii) of this section, 932
if the department determines that using the value-added progress 933
dimension to evaluate community schools described in division 934
(A)(1)(c)(i) of this section is not feasible, a community school 935
described in that division shall be required to permanently close 936
under this section only if it has been declared to be in a state 937
of academic emergency under section 3302.03 of the Revised Code 938
for four consecutive school years. 939

(D) In accordance with division (B) of section 3314.012 of 940
the Revised Code, the department shall not consider the 941
performance ratings assigned to a community school for its first 942

two years of operation when determining whether the school meets 943
the criteria prescribed by division (A)(2) of this section. The 944
department shall reevaluate each community school that the 945
department directed to close at the conclusion of the 2009-2010 946
school year to determine if the school still meets the criteria 947
prescribed by division (A)(2) of this section when the school's 948
performance ratings for its first two years of operation are not 949
considered and, if the school no longer meets those criteria, the 950
department shall not require the school to close at the conclusion 951
of that school year. 952

Section 2. That existing sections 3314.013, 3314.016, 953
3314.02, 3314.021, 3314.025, 3314.03, 3314.05, and 3314.35 and 954
section 3314.014 of the Revised Code are hereby repealed. 955